

MAR 29 2011

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

sandraNOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JAIME MARTINEZ-PEREZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
----------------------------------------------------------------------------------------------------------------------------

No. 10-71024

Agency No. A073-980-055

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted March 8, 2010 \*\*

Before: FARRIS, LEAVY, and BYBEE, Circuit Judges.

Jaime Martinez-Perez, a native and citizen of El Salvador, petitions for review of a decision of the Board of Immigration Appeals, summarily affirming the immigration judge’s denial of petitioner’s applications for asylum, withholding of removal, and relief under the Convention Against Torture.

---

\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Martinez-Perez contends that he suffered past persecution and is entitled to asylum and withholding relief because he was threatened and beaten by gang members for refusing to join their gang. Petitioner also fears that Salvadoran authorities will suspect him being involved with gangs because of his status as a deportee returning to El Salvador.

Substantial evidence support the agency's determination that Martinez-Perez failed to establish that the harm he suffered, or fears, from gangs or the government is on account of any protected ground. *See INS v. Elias-Zacarias*, 502 U.S. 478, 482-84 (1992) (forced recruitment by persecutors seeking to fill their ranks is not necessarily persecution on account of political opinion); *Barrios v. Holder*, 581 F.3d 849, 855-56 (9th Cir. 2009) (petitioner who resisted gang recruitment did not establish persecution on account of social group or political opinion); *Arteaga v. Mukasey*, 511 F.3d 940, 944 - 46 (9th Cir. 2007) (returnees who the government misperceive as gang members are not a "social group"). Accordingly, petitioner's asylum and withholding claims fail.

**PETITION FOR REVIEW DENIED.**