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U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ERICK ERNESTO AMAYA-SANCHEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-71813

Agency No. A095-673-048

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.

Erick Ernesto Amaya-Sanchez, a native and citizen of El Salvador, petitions for review of the decision of the Board of Immigration Appeals denying his applications for asylum and withholding of removal.

* 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).

Amaya-Sanchez contends that he was persecuted by gangs based on his political opinion as evidenced by his expressed opposition to gangs and his resistance to gang recruitment. Substantial evidence supports the BIA's determination that Amaya-Sanchez failed to establish that any harm he suffered, or fears, from gangs is on account of a 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); *Santos-Lemus v. Mukasey*, 542 F.3d 738, 747 (9th Cir. 2008).

PETITION FOR REVIEW DENIED.