

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 23 2011

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

BERNARD DADIVAS; DRAENMHAR
DADIVAS; MARIA CRISTINA
DADIVAS, a.k.a. Ma Cristina Dadivas
a.k.a. Maria Cristina Valisno,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-73398

Agency Nos. A098-256-003
A098-256-004
A098-264-083

MEMORANDUM*

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

Argued and Submitted May 11, 2011
San Francisco, California

Before: W. FLETCHER and N.R. SMITH, Circuit Judges, and MILLS,
Senior District Judge.**

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

** The Honorable Richard Mills, Senior District Judge for the U.S. District Court for Central Illinois, Springfield, sitting by designation.

Bernard Dadivas, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals' decision denying his application for asylum, withholding of removal, and CAT protection, and denying his family's derivative applications. We deny the petition for review.

Dadivas failed to establish past persecution or a well-founded fear of future persecution tied to a protected ground. The testimony did not establish that the murders of Enrico and Romulo Valisno were based on a protected ground, nor did the testimony indicate that the people responsible for those murders would have any reason to target the Dadivas family based on a protected ground. Thus, the BIA's conclusion that Dadivas was not entitled to asylum or withholding of removal was supported by substantial evidence. *Molina-Estrada v. INS*, 293 F.3d 1089, 1094-95 (9th Cir. 2002). Given the speculative nature of Dadivas' fears, the BIA's conclusion that Dadivas did not show that it was "more likely than not" that he will be tortured if he returns to the Philippines was also supported by substantial evidence. *See Shrestha v. Holder*, 590 F.3d 1034, 1048 (9th Cir. 2010).

PETITION DENIED.