

JUN 09 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VICTOR MANUEL MEJIA POBLETE,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-70676

Agency No. A079-533-324

MEMORANDUM\*

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

Submitted May 24, 2011\*\*

Before: PREGERSON, THOMAS, and PAEZ, Circuit Judges.

Victor Manuel Mejia Poblete, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”).

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\* 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).

We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Nagoulko v. INS*, 333 F.3d 1012, 1015 (9th Cir. 2003), and we deny the petition for review.

The record does not compel the conclusion that Mejia Poblete established changed circumstances excusing the untimely filing of his asylum application. *See* 8 C.F.R. § 1208.4(a); *Ramadan v. Gonzales*, 479 F.3d 646, 655-58 (9th Cir. 2007) (per curiam). Accordingly, his asylum claim fails.

Substantial evidence supports the agency's finding that Mejia Poblete failed to establish that he experienced past persecution based on a single threatening letter and two visits to his home from unknown men. *See Lim v. INS*, 224 F.3d 929, 936-37 (9th Cir. 2000) (threats unaccompanied by additional mistreatment do not amount to persecution). Substantial evidence also supports the agency's finding that Mejia Poblete did not demonstrate a clear probability of future persecution. *See Nagoulko*, 333 F.3d at 1018. We reject Mejia Poblete's contention the IJ failed to consider his supporting documentation. *See Larita-Martinez v. INS*, 220 F.3d 1092, 1095-96 (9th Cir. 2000) (petitioner must overcome the presumption that the agency has considered all the evidence). Accordingly, Mejia Poblete's withholding of removal claim fails.

Substantial evidence supports the agency's denial of CAT relief because Mejia Poblete failed to show it is more likely than not he will be tortured if returned to Mexico. *See Arteaga v. Mukasey*, 511 F.3d 940, 948-49 (9th Cir. 2007).

Finally, we reject Mejia Poblete's contentions that the agency violated his right to due process. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error to prevail in due process claim).

**PETITION FOR REVIEW DENIED.**