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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ADA PRISCILLA VARGAS ROMERO,
a.k.a. Sara Acosta-Solis,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-71528

Agency No. A098-920-726

MEMORANDUM*

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

Submitted June 15, 2011**

Before: CANBY, O'SCANNLAIN, and FISHER, Circuit Judges.

Ada Priscilla Vargas Romero, a native and citizen of Nicaragua, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from the immigration judge's ("IJ") decision denying her application 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).

(“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings and review de novo its legal conclusions. *Santos-Lemus v. Mukasey*, 542 F.3d 738, 742 (9th Cir. 2008). We deny the petition for review.

Vargas Romero does not challenge the agency’s finding that she failed to show past persecution. We lack jurisdiction to consider Vargas Romero’s request for humanitarian relief because she did not raise this claim to the IJ or BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004). Accordingly, her asylum claim fails.

Substantial evidence supports the agency’s finding that Vargas Romero failed to establish a well-founded fear of future persecution on account of a protected ground. *See Nagoulko v. INS*, 333 F.3d 1012, 1018 (9th Cir. 2003); *INS v. Elias-Zacarias*, 502 U.S. 478, 481 & n.1 (1992).

Because Vargas Romero failed to establish eligibility for asylum, she necessarily fails to meet the more stringent standard for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

Finally, Vargas Romero has not made any argument in her opening brief with respect to the agency’s denial of CAT relief. *See Martinez-Serrano v. INS*, 94

F.3d 1256, 1259-60 (9th Cir. 1996) (issues not supported by argument are deemed abandoned).

PETITION FOR REVIEW DENIED.