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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARVIN ALEXANDER VALLE,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-70728

Agency No. A088-347-486

MEMORANDUM*

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

Submitted July 12, 2011**

Before: SCHROEDER, ALARCÓN, and LEAVY, Circuit Judges.

Marvin Alexander Valle, a native and citizen of El Salvador, petitions pro se for review of the decision of the Board of Immigration Appeals, dismissing Valle's

* 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).

appeal from the immigration judge's denial of his applications for asylum, withholding of removal, and relief under the Convention Against Torture.

Valle contends that he was persecuted by gangs based on his resistance to gang recruitment, and alleges that his family constitutes a social group because his brother is a gang member. Substantial evidence supports the BIA's determination that Valle 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); *Molina-Estrada v. INS*, 293 F.3d 1089, 1095 (9th Cir. 2002) (no compelling evidence the applicant was persecuted on account of his family membership).

Valle alleges that his due process rights were violated by the immigration judge, but the record demonstrates that Valle received a full and fair hearing. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (no due process violation where there is no showing of prejudice.)

PETITION FOR REVIEW DENIED.