

JUL 13 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KERLIN IZABEL GERONIMO-DONIS,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-72020

Agency No. A098-721-237

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.

Kerlin Izabel Geronimo-Donis, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' decision, dismissing his appeal of the immigration judge's denial of his applications 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).

Geronimo-Donis contends that he was persecuted by gang members who robbed and threatened him. To establish a nexus between the alleged persecution and a protected ground, Geronimo-Davis contends that he was a member of a social group consisting of people who resist criminal threats by gang members, and that his anti-gang position constituted political opinion.

Substantial evidence supports the BIA's determination that Geronimo-Donis 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, 745-47 (9th Cir. 2008) (speculative fear of future gang activity and persecution does not serve as a basis for asylum relief). Substantial evidence also supports the agency's denial of CAT relief because Geronimo-Donis did not establish that it was more likely than not that he will be tortured by or with the acquiescence of the Guatemalan government. *See Silaya v. Mukasey*, 524 F.3d 1066, 1073 (9th Cir. 2008).

PETITION FOR REVIEW DENIED.