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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HAN ZHANG LU,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 08-73934

Agency No. A097-883-908

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.

Han Zhang Lu, a native and citizen of China, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s decision denying his application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for

* 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).

substantial evidence, *Zehatye v. Gonzales*, 453 F.3d 1182, 1184–85 (9th Cir. 2006), and we deny the petition for review.

Substantial evidence supports the BIA’s determination that Lu is ineligible for asylum where he conceded he suffered no past persecution and failed to establish a well-founded fear of future persecution in China. *See* 8 U.S.C. § 1101(a)(42)(A); *Arriaga-Barrientos v. INS*, 937 F.2d 411, 414 (9th Cir. 1991) (noting that persecution of a petitioner’s family members may establish a well-founded fear, despite a lack of persecution against the petitioner, only if the persecution is “closely tied to the petitioner”). Accordingly, Lu’s asylum claim fails.

Because Lu failed to prove eligibility for asylum, Lu has necessarily failed to prove eligibility for withholding of removal. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.