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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ARUSYAK HOVAKIMYAN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 08-72654

Agency No. A097-356-378

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.

Arusyak Hovakimyan, a native and citizen of Armenia, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing her appeal from an immigration judge’s decision denying her application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). We have

* 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).

jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence factual findings, *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006), and we deny the petition for review.

Substantial evidence supports the agency's finding that Hovakimyan failed to establish she suffered past persecution on account of a protected ground because there is no evidence that she was raped because of her parents' religious beliefs. *See Donchev v. Mukasey*, 553 F.3d 1206, 1214-15 (9th Cir. 2009) (concluding the petitioner's mistreatment was not on account of a protected ground where there were no contemporaneous declarations demonstrating the attackers' motivation). Accordingly, because Hovakimyan failed to demonstrate that she was persecuted on account of a protected ground, we deny the petition as to her asylum and withholding of removal claims. *See Barrios v. Holder*, 581 F.3d 849, 856 (9th Cir. 2009).

Substantial evidence also supports the agency's denial of CAT relief because Hovakimyan has not established she would be tortured by or with the acquiescence of the Armenian government. *See Silaya v. Mukasey*, 524 F.3d 1066, 1073 (9th Cir. 2008).

Finally, because the BIA accepted Hovakimyan's testimony as credible, her motion to remand was rendered moot.

PETITION FOR REVIEW DENIED.