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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SANTOS AKE-COLLI; et al.,</p> <p style="text-align: center;">Petitioners,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 08-71494

Agency Nos. A097-764-237
A097-764-236
A097-764-259

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.

Santos Ake-Colli and his family, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals’ (“BIA”) order dismissing their appeal from an immigration judge’s decision denying their applications for asylum, withholding of removal, and cancellation of removal. Our jurisdiction is governed

* 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).

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

Substantial evidence supports the BIA's finding that petitioners did not establish past persecution or a well-founded fear of future persecution because they failed to demonstrate the Mexican government was unable or unwilling to protect them. *See Nahrvani v. Gonzales*, 399 F.3d 1148, 1154 (9th Cir. 2005).

Accordingly, their asylum claim fails.

Because petitioners failed to meet the lower burden of proof for asylum, their claims for withholding of removal necessarily fail. *See Zehatye*, 453 F.3d at 1190.

We reject petitioners' contention that the BIA failed to address Ake-Colli's application for cancellation of removal because it is belied by the record. In addition, we lack jurisdiction to review the agency's denial of Ake-Colli's cancellation of removal claim because petitioners have not raised any colorable legal challenge to that determination. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.