

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 2 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MIGUEL ANGEL CAB PEREZ;
CLAUDIA COLON BARRIOS,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-72592

Agency Nos. A097-854-221
A097-854-222

MEMORANDUM*

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

Submitted August 1, 2011**

Before: LEAVY, THOMAS, and MURGUIA, Circuit Judges.

Miguel Angel Cab Perez and Claudia Colon Barrios, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' order dismissing their appeal from an immigration judge's ("IJ") decision denying their application for asylum, withholding of removal, and relief under the Convention Against

* 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).

Torture (“CAT”). We have 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.

Petitioners do not challenge the agency’s dispositive finding that their application for asylum was untimely. Accordingly, their asylum claim fails.

Petitioners do not contend that they suffered past persecution. Substantial evidence supports the agency’s finding that petitioners failed to establish they have a clear probability of future harm based on their evangelical Christian religion because the record shows that problems for evangelical Christians are localized to particular areas. *See Fakhry v. Mukasey*, 524 F.3d 1057, 1065-66 (9th Cir. 2008). We decline to consider the documents attached to petitioners’ opening brief because they are not part of the administrative record. *See Fisher v. INS*, 79 F.3d 955, 963 (9th Cir. 1996) (en banc).

Finally, substantial evidence also supports the agency’s denial of CAT relief because petitioners failed to establish that it is more likely than not they will be tortured by or with the acquiescence of the government of Mexico. *See Silaya v. Mukasey*, 524 F.3d 1066, 1073 (9th Cir. 2008).

PETITION FOR REVIEW DENIED.