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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SOK HENG MEAS,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 08-74471

Agency No. A096-066-350

MEMORANDUM*

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

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Sok Heng Meas, a native and citizen of Cambodia, petitions for review of the Board of Immigration Appeals’ 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.

The record supports the agency's denial of Meas's asylum application as untimely based on the two-year delay between when Meas learned her husband was arrested and when she filed her application. *See Taslimi v. Holder*, 590 F.3d 981, 984 (9th Cir. 2010) (the court has jurisdiction to consider whether an application for asylum was filed within a reasonable time); *Husyev v. Mukasey*, 528 F.3d 1172, 1181-82 (9th Cir. 2008). Accordingly, Meas's asylum claim fails.

Meas does not contend that she suffered past persecution. The record does not compel the conclusion that Meas has a clear probability of future persecution because there is no evidence that spouses of members of the Cambodian Freedom Fighters ("CFF") organization are targeted for persecution or that anyone is targeting Meas because of her own involvement with CFF. *See Fakhry v. Mukasey*, 524 F.3d 1057, 1065-66 (9th Cir. 2008). Accordingly, Meas's withholding of removal claim also fails.

Finally, substantial evidence supports the agency's denial of CAT relief because Meas failed to establish it is more likely than not that she will be tortured

if returned to Cambodia. *See Wakkary v. Holder*, 558 F.3d 1049, 1067-68 (9th Cir. 2009).

PETITION FOR REVIEW DENIED.