

MAY 17 2012

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SALVADOR AGUILAR,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-70959

Agency No. A072-542-246

MEMORANDUM*

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

Submitted May 15, 2012 **

Before: CANBY, GRABER and M. SMITH, Circuit Judges.

Salvador Aguilar, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum and withholding

* 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).

of removal. We review for substantial evidence the agency's factual findings. *Zehatye v. Gonzales*, 453 F.3d 1182, 1184–85 (9th Cir. 2006). We deny the petition for review.

Substantial evidence supports the agency's finding that Aguilar failed to establish past persecution or a well-founded fear of persecution on account of an actual or imputed political opinion or any other protected ground. *See INS v. Elias–Zacarias*, 502 U.S. 478, 481–82 (1992) (holding that forced recruitment alone is not enough to show persecution on account of political opinion); *Santos–Lemus v. Mukasey*, 542 F.3d 738, 745–47 (9th Cir. 2008) (speculative fear of future gang activity and persecution does not serve as a basis for asylum relief); *Cruz–Navarro v. INS*, 232 F.3d 1024, 1028–30 (9th Cir. 2000) (“While the guerillas may have regarded Cruz as an informant, this is not akin to imputing a political belief to him.”).

Because Aguilar failed to establish his eligibility for asylum, he necessarily failed to meet the higher standard of eligibility for withholding of deportation. *See Ghaly v. INS*, 58 F.3d 1425, 1429 (9th Cir. 1995)

PETITION FOR REVIEW DENIED.