

MAY 17 2012

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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NOT FOR PUBLICATION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.