

MAY 22 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SELVIN VILLEDA MONROY, a.k.a.
Selvin Armando Villeda-Monroy,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-73356

Agency No. A099-529-282

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.

Selvin Villeda Monroy, 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 have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings. *Afriyie v. Holder*, 613 F.3d 924, 931 (9th Cir. 2010). We grant the petition for review, and we remand.

The agency denied relief on the sole basis that Villeda Monroy failed to show the government was unwilling or unable to protect him. Substantial evidence does not support this finding in light of Villeda Monroy's testimony regarding the murder of his grandparents, the murder of his father and the subsequent attack on Villeda Monroy by the same individuals. *See id.* at 931-32. Accordingly, we remand for further proceedings consistent with this disposition. *See INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam).

PETITION FOR REVIEW GRANTED; REMANDED.