

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 13 2012

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

MARVIN ALEXANDER BARRIOS,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-74435

Agency No. A076-371-041

MEMORANDUM*

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

Submitted June 5, 2012**
Pasadena, California

Before: KOZINSKI, Chief Judge, TROTT and THOMAS, Circuit Judges.

Marvin Alexander Barrios, a native and citizen of Guatemala, petitions for review of a decision of the Board of Immigration Appeals vacating the immigration judge's grant of asylum and withholding of removal. Subsequently,

* 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).

he was denied relief pursuant to the Convention Against Torture (“CAT”). We deny his petition.

Barrios was neither persecuted nor tortured in Guatemala. Therefore, he is not entitled to a rebuttable presumption that he will be persecuted in the future should he be returned. See 8 C.F.R. § 1208.13(b)(1). In addition, the record does not compel the conclusion (1) that he adequately demonstrated a well-founded fear of future persecution on account of a protected ground, i.e., his membership in a particular social group, (2) that he is a member of a group disfavored in his country, or (3) that it is more likely than not that he would be persecuted should he return. See INS v. Elias-Zacarias, 502 U.S. 478, 481 n.1, 483-84 (1992); Wakkary v. Holder, 558 F.3d 1049, 1062-64 (9th Cir. 2009). Substantial evidence supports the Board’s final decision and order, including its determination that he is not entitled to CAT protection.

PETITION DENIED.