

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 09 2012

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

SERGIO RONI LOPEZ MAZARIEGOS,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-71870

Agency No. A072-210-938

MEMORANDUM*

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

Submitted June 26, 2012**

Before: SCHROEDER, HAWKINS and GOULD, Circuit Judges.

Sergio Roni Lopez Mazariegos, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") decision denying his application for asylum, withholding of removal, and relief under the Convention Against Torture

* 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).

(“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings, *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006), and we review de novo due process claims, *Simeonov v. Ashcroft*, 371 F.3d 532, 535 (9th Cir. 2004). We deny the petition for review.

Lopez Mazariegos claims that in the early 1990’s, due to his service in the Civil Defense in Guatemala, he received two notes from guerrillas threatening death or kidnaping. Substantial evidence supports the BIA’s conclusion that Lopez Mazariegos failed to establish past persecution or a well-founded fear of future persecution. *See INS v. Elias-Zacarias*, 502 U.S. 478, 481, n. 1 (1992) (“[t]o reverse the BIA finding we must find that the evidence not only supports that conclusion, but compels it”). We reject Lopez Mazariegos’ contention that the agency erred in failing to address the social group aspect of his claim, because he did not make this argument to the BIA. Contrary to Lopez Mazariegos’ contention, the IJ and BIA adequately explained their decisions. Accordingly, Lopez Mazariegos’ asylum claim fails.

Because Lopez Mazariegos failed to meet the lower burden of proof for asylum, it follows that he has not met the higher standard for withholding of removal. *See Zehatye*, 453 F.3d at 1190.

Lopez Mazariegos failed to challenge the BIA’s denial of CAT relief. *See*

Martinez-Serrano v. INS, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not supported by argument are deemed waived).

Finally, we reject Lopez Mazariegos' argument that the BIA did not provide a meaningful review. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir.2000) (requiring error for a petitioner to prevail on a due process claim).

PETITION FOR REVIEW DENIED.