

AUG 13 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RICARDO VELA-LUQUE, a.k.a. Ricardo Vela Luque,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 10-72032

Agency No. A094-811-095

MEMORANDUM*

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

Submitted August 8, 2012**

Before: ALARCÓN, BERZON, and IKUTA, Circuit Judges.

Ricardo Vela-Luque, a native and citizen of Peru, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s decision denying his application for relief under the

* 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).

Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings, *Silaya v. Mukasey*, 524 F.3d 1066, 1070 (9th Cir. 2008), and we deny the petition for review.

Contrary to Vela-Luque’s contentions, substantial evidence supports the BIA’s denial of his CAT claim because Vela-Luque did not establish it is more likely than not he will be tortured by or with the consent or acquiescence of the Peruvian government. *See Zheng v. Holder*, 644 F.3d 829, 835-36 (9th Cir. 2011).

PETITION FOR REVIEW DENIED.