

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 19 2012

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

JAIDERMAN RAMON DIAZ DE LEON,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-71432

Agency No. A095-571-398

MEMORANDUM*

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

Submitted March 6, 2012**

Before: B. FLETCHER, REINHARDT, and TASHIMA, Circuit Judges.

Jaiderman Ramon Diaz de Leon, 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 decision denying his application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We

* 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).

review for substantial evidence factual findings. *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006). We deny the petition for review.

Substantial evidence supports the BIA's determination that Diaz de Leon failed to establish that he was or would be persecuted on account of any protected ground. *See INS v. Elias-Zacarias*, 502 U.S. 478, 483 (1992) (petitioner who refused to join guerrillas did not establish they would persecute him because of his political opinion rather than because of his refusal to fight with them); *Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010) (“[a]n alien’s desire to be free from harassment by criminals motivated by theft or random violence by gang members bears no nexus to a protected ground”). Accordingly, Diaz de Leon’s asylum and withholding of removal claims fail.

PETITION FOR REVIEW DENIED.