

DEC 21 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SOLIVEN CRUZ BAUTISTA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-72491

Agency No. A077-311-993

MEMORANDUM*

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

Submitted December 19, 2012**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Soliven Cruz Bautista, a native and citizen of the Phillipines, 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 review

* 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).

factual findings for substantial evidence and review de novo legal questions. *Lim v. INS*, 224 F.3d 929, 933 (9th Cir. 2000). We deny the petition for review.

Substantial evidence supports the agency's finding that Bautista failed to establish that his political opinion or his alleged membership in a particular social group were one central reason for his NPA-related experiences, which substantial evidence indicates were motivated primarily by the NPA's desire to obtain money through extortion. *See Parussimova v. Mukasey*, 555 F.3d 734, 742 (9th Cir. 2009). Accordingly, Bautista's asylum claim fails.

Because Bautista has not established eligibility for asylum, he necessarily cannot meet the more stringent standard for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

Bautista failed to set forth any substantive argument regarding the agency's denial of his CAT claim. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259–60 (9th Cir. 1996) (issues not supported by argument are deemed waived).

PETITION FOR REVIEW DENIED.