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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSE EDILBERTO AYALA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr.,</p> <p>Respondent.</p>
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No. 10-73216

Agency No. A073-933-141

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.

Jose Edilberto Ayala, a native and citizen of El Salvador, petitions for review of a Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s decision denying relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for

* 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).

substantial evidence factual findings and review de novo legal conclusions.

Santos-Lemus v. Mukasey, 542 F.3d 738, 742 (9th Cir. 2008). We deny the petition for review.

Substantial evidence supports the BIA's finding that Ayala failed to demonstrate that it is more likely than not that he will be tortured by, or with the consent or acquiescence of the El Salvadoran government if he returns to El Salvador. *See Kumar v. Gonzales*, 444 F.3d 1043, 1055-56 (9th Cir. 2006) (arrest and severe beating did not amount to torture); *see also Santos-Lemus*, 542 F.3d at 747-48 (CAT relief denied where petitioner feared torture at the hands of private individuals and there was no evidence the government would acquiesce in torture).

PETITION FOR REVIEW DENIED.