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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RAUL BUSTOS-GUTIERREZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 10-73141

Agency No. A076-345-979

MEMORANDUM*

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

Submitted February 11, 2013**

Before: FERNANDEZ, TASHIMA, and WARDLAW, Circuit Judges.

Raul Bustos-Gutierrez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s decision denying his application for withholding of removal and protection under the Convention Against Torture (“CAT”). We have

* 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).

jurisdiction under 8 U.S.C. § 1252. We review the agency’s factual findings for substantial evidence, *Molina-Morales v. INS*, 237 F.3d 1048, 1050 (9th Cir. 2001), and we deny the petition for review.

Bustos-Gutierrez testified that he, his father, and his uncle were involved in a murder in the United States. Bustos-Gutierrez does not claim past persecution, but fears harm from family members in Mexico because he provided information to authorities about his father and uncle’s involvement in that murder. Substantial evidence supports the BIA’s finding that Bustos-Gutierrez did not demonstrate a clear probability of future persecution on account of a protected ground. *See Soriano v. Holder*, 569 F.3d 1162, 1164 (9th Cir. 2009) (“The BIA permissibly found that Petitioner’s fear of future persecution stems from the criminals’ motive to retaliate against him for informing on them.”); *see also Molina-Morales*, 237 F.3d at 1052 (personal retribution is not persecution on account of a protected ground). Accordingly, Bustos-Gutierrez’s withholding of removal claim fails.

Substantial evidence also supports the BIA’s denial of CAT relief because Bustos-Gutierrez failed to establish it is more likely than not he would be tortured by or with the consent or acquiescence of the Mexican government. *See Soriano*, 569 F.3d at 1167.

PETITION FOR REVIEW DENIED.