

FEB 26 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MING XIN HE,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-72569

Agency No. A097-883-893

MEMORANDUM*

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

Argued and Submitted February 13, 2013*
Honolulu, Hawaii

Before: GRABER, BYBEE, and CHRISTEN, Circuit Judges.

Ming Xin He, a native and citizen of China, petitions for review of the Board of Immigration Appeals' ("BIA") decision affirming the immigration judge's denial of his applications for asylum and withholding of removal. We have

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Perez-Ramirez v. Holder*, 648 F.3d 953, 956 (9th Cir. 2011), and we deny the petition.

Substantial evidence supports the BIA's finding that Petitioner's two detentions without physical harm do not rise to the level of past persecution. *See Gu v. Gonzales*, 454 F.3d 1014, 1020–21 (9th Cir. 2006) (holding that a 3-day detention and beating did not compel a finding of past persecution). Because Petitioner did not establish eligibility for asylum, it follows that he failed to meet the more stringent standard for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

DENIED.