

APR 02 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ZHONGYOU ZHOU,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-71766

Agency No. A099-912-090

MEMORANDUM*

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

Argued and Submitted December 7, 2012
San Francisco, California

Before: TROTT and RAWLINSON, Circuit Judges, and BLOCK, Senior District
Judge.**

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

** The Honorable Frederic Block, Senior District Judge, United States
District Court for the Eastern District of New York, sitting by designation.

Petitioner Zhongyou Zhou (Zhou) challenges the decision of the Board of Immigration Appeals (BIA) denying Zhou's application for asylum, withholding of removal, and relief under the Convention Against Torture (CAT).

Substantial evidence supports the BIA's determination that the persecution suffered by Zhou was not on account of a protected ground. The record does not compel a conclusion that Zhou's persecutors imputed an anti-government political opinion to him. Rather, the conflict between Zhou and his employer was personal. On this record, the denial of asylum must stand. *See Gu v. Gonzales*, 454 F.3d 1014, 1018 (9th Cir. 2006) (articulating standard). Zhou's "failure to satisfy the lesser standard of proof required to establish eligibility for asylum necessarily results in a failure to demonstrate eligibility for withholding of [removal] as well." *Fisher v. INS*, 79 F.3d 955, 961 (9th Cir. 1996) (en banc).

Neither does the record compel a conclusion that Zhou is entitled to CAT relief. Although Zhou was beaten during his arrest, the beating did not rise to the level of torture. *See Ridore v. Holder*, 696 F.3d 907, 912 (9th Cir. 2012) (describing torture as "severe physical or mental pain or suffering"); *see also* 8 C.F.R. § 208.18(a)(2) ("Torture is an extreme form of cruel and inhuman treatment

and does not include lesser forms of cruel, inhuman or degrading treatment or punishment . . .”).

PETITION DENIED.