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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>XIQIU HE,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 11-72309

Agency No. A097-873-132

MEMORANDUM\*

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

Submitted May 14, 2013\*\*

Before: LEAVY, THOMAS, and MURGUIA, Circuit Judges.

Xiqiu He, a native and citizen of China, petitions for review of the Board of Immigration Appeals' 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 for substantial evidence factual

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\* 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).

findings, *Gu v. Gonzales*, 454 F.3d 1014, 1018 (9th Cir. 2006), and we deny the petition for review.

Substantial evidence supports the agency's finding that He failed to demonstrate that the harm he suffered when the police interrupted a house church gathering rose to the level of past persecution. *See Gu*, 454 F.3d at 1019-21; *Li v. Ashcroft*, 356 F.3d 1153, 1158 (9th Cir. 2004) (en banc) (persecution is an "extreme concept"). Substantial evidence also supports the agency's finding that He did not establish a well-founded fear of future persecution. *See Ladha v. INS*, 215 F.3d 889, 897 (9th Cir. 2000) (a petitioner must provide "credible, direct, and specific evidence" to support a well-founded future fear); *Nagoulko v. INS*, 333 F.3d 1012, 1016-17 (9th Cir. 2003) (petitioner's future fear was speculative). Accordingly, He's asylum claim fails.

Because He failed to meet the lower burden of proof for asylum, it follows that he has not met the higher standard for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

**PETITION FOR REVIEW DENIED.**