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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ARTYOM MANUKYAN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 11-71639

Agency No. A078-239-459

MEMORANDUM\*

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

Submitted June 18, 2013\*\*

Before: TALLMAN, M. SMITH, and HURWITZ, Circuit Judges.

Artyom Manukyan, a native and citizen of Armenia, petitions for review of the Board of Immigration Appeals’ order summarily affirming the immigration judge’s (“IJ”) decision denying his application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction

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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).

under 8 U.S.C. § 1252. We review for substantial evidence factual findings. *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006). We deny the petition for review.

Substantial evidence supports the IJ's conclusion that Manukyan failed to establish eligibility for asylum based on his past treatment by the Armenian military or his fear of conscription in the future. *See id.* at 1187 (forced conscription or punishment for evasion of military duty generally is not persecution); *Pedro-Mateo v. INS*, 224 F.3d 1147, 1151 (9th Cir. 2000) (petitioner failed to show forced recruitment was on account of a protected ground). Thus, without a nexus to a protected ground, Manukyan's asylum and withholding of removal claims fail. *See Zehatye*, 453 F.3d at 1190.

Substantial evidence supports the IJ's denial of CAT relief because Manukyan failed to establish it is more likely than not he will be tortured if he returns to Armenia. *See Wakkary v. Holder*, 558 F.3d 1049, 1067-68 (9th Cir. 2009).

**PETITION FOR REVIEW DENIED.**