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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ISIDRO JUAN FRANCISCO,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 11-72651

Agency No. A070-636-716

MEMORANDUM*

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

Submitted August 14, 2013**

Before: SCHROEDER, GRABER, and PAEZ, Circuit Judges.

Isidro Juan Francisco, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s decision denying his application for asylum, withholding of removal, and relief under the Nicaraguan Adjustment and Central American Relief

* 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).

Act (“NACARA”). Our jurisdiction is governed by 8 U.S.C. § 1252. We review for substantial evidence factual findings, *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006), and we deny in part and dismiss in part the petition for review.

Substantial evidence supports the BIA’s finding that Juan Francisco failed to establish past persecution on account of an actual or imputed political opinion. *See INS v. Elias-Zacarias*, 502 U.S. 478, 482-83 (1992) (forced recruitment alone does not suffice to show persecution on account of political opinion). Because Juan Francisco failed to present his “social group” argument to the BIA, we do not consider it. *See Cordon-Garcia v. INS*, 204 F.3d 985, 988 (9th Cir. 2000). Having failed to establish past persecution, Juan Francisco is not entitled to a presumption of future persecution. *See Molina-Estrada v. INS*, 293 F.3d 1089, 1096 (9th Cir. 2002). Juan Francisco does not argue that he otherwise established a well-founded fear of future persecution. Accordingly, his asylum and withholding of removal claims fail. *See Ochoa v. Gonzales*, 406 F.3d 1166, 1172 (9th Cir. 2005).

We lack jurisdiction to review the agency’s determination that Juan Francisco is not eligible for NACARA relief. *See Ixcot v. Holder*, 646 F.3d 1202, 1213-14 (9th Cir. 2011). Juan Francisco argues that the BIA found that he credibly testified regarding completion of an *ABC* registration form, and that it erred as a

matter of law by requiring him to prove that the form was properly filed. We reject this argument because, contrary to his assertion, the BIA did not find that the document Juan Francisco signed was an *ABC* registration form.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.