

AUG 20 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>ROBERTO NAJERA-LARA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 11-72647

Agency No. A089-168-800

MEMORANDUM\*

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

Submitted August 1, 2013\*\*

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

Roberto Najera-Lara, 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 withholding of removal and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. §

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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).

1252. We review factual findings for substantial evidence, *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006), and we deny the petition for review.

Substantial evidence supports the BIA's denial of withholding of removal, because any harm that occurred had no nexus to a protected ground. *See Barrios v. Holder*, 581 F.3d 849, 854-56 (9th Cir. 2009); *Ramos-Lopez v. Holder*, 563 F.3d 855, 858-62 (9th Cir. 2009).

Substantial evidence supports the denial of CAT relief, because Petitioner failed to establish that it is more likely than not that he would be tortured if he returns to Guatemala. *See Silaya v. Mukasey*, 524 F.3d 1066, 1073 (9th Cir. 2008).

**PETITION FOR REVIEW DENIED.**