

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 30 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JING HE,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 12-70364

Agency No. A095-747-811

MEMORANDUM*

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

Submitted September 24, 2013**

Before: RAWLINSON, N.R. SMITH, and CHRISTEN, Circuit Judges.

Jing He, a native and citizen of China, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying her application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence factual

* 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). He's request for oral argument is denied.

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

Even if He testified credibly, substantial evidence supports the agency's finding that He failed to establish past persecution, *see Gu v. Gonzales*, 454 F.3d 1014, 1020-21 (9th Cir. 2006) (petitioner did not suffer past persecution when he was detained for 15 days and beaten on one occasion, did not need medical attention, and did not suffer adverse employment consequences), and the agency's finding that He does not have an objective, well-founded fear of future persecution, *see Ladha v. INS*, 215 F.3d 889, 897 (9th Cir. 2000) (in the absence of a presumption of a well-founded future fear, the petitioner needs credible, direct, and specific evidence that would support a reasonable fear of persecution).

Accordingly, He's asylum claim fails.

Because He failed to meet the lower burden of proof for asylum, it follows that she 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.