

OCT 17 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JEONG WOOK GIM, AKA Jung Sook
Gim,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-73603

Agency No. A072-976-188

MEMORANDUM*

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

Submitted October 8, 2013**
Pasadena, California

Before: FERNANDEZ, PAEZ, and HURWITZ, Circuit Judges.

Jeong Wook Gim, a South Korean citizen, petitions for review of a decision of the Board of Immigration Appeals (“BIA”) denying his applications for withholding

* 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).

of removal and protection under the Convention Against Torture. We have jurisdiction pursuant to 8 U.S.C. § 1252 and deny the petition.

Gim's applications were based on his opposition to South Korean military service conscription. The conclusion by the Immigration Judge and the BIA that Gim did not establish that he would be persecuted because of his religion if forced to return to South Korea is supported by substantial evidence. Rather, Gim only proved that he would be subject to the same conscription rules applicable to other South Korean males. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1187 (9th Cir. 2006). Nor did Gim establish that he is more likely than not to be tortured if returned to South Korea.

DENIED.