

APR 11 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LUIS ARMANDO REYES,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 12-72175

Agency No. A072-400-622

MEMORANDUM*

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

Submitted April 7, 2014**

Before: TASHIMA, GRABER, and IKUTA, Circuit Judges.

Luis Armando Reyes, a native and citizen of El Salvador, 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 and protection under the Convention Against Torture (“CAT”). We have jurisdiction

* 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 the agency's factual findings. *Wakkary v. Holder*, 558 F.3d 1049, 1056 (9th Cir. 2009). We deny the petition for review.

Substantial evidence supports the agency's determination that Reyes failed to establish the harm he suffered at the hands of guerrillas was on account of a protected ground. *See INS v. Elias-Zacarias*, 502 U.S. 478, 482 (1992).

Consequently, Reyes is not entitled to a rebuttable presumption of a well-founded fear of future persecution, and is not eligible for humanitarian asylum. *See* 8 C.F.R. § 1208.13(b)(1). The BIA found Reyes waived any claim that he had a well-founded fear of future persecution in the absence of a showing of past persecution. Reyes does not challenge the BIA's finding.

Substantial evidence also supports the agency's denial of Reyes' CAT claim because he failed to demonstrate it is more likely than not he would be tortured by or with the consent or acquiescence of a public official in El Salvador. *See Silaya v. Mukasey*, 524 F.3d 1066, 1073 (9th Cir. 2008). We reject Reyes' contention that the agency failed to fully or properly analyze his CAT claim.

PETITION FOR REVIEW DENIED.