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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANA MARIA RIVAS DE TAMACAS
and ROBERTO IVAN TAMACAS
PORTILLO,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-70351

Agency Nos. A098-952-565
 A098-952-566

MEMORANDUM*

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

Argued and Submitted June 16, 2014
Seattle, Washington

Before: REINHARDT and CHRISTEN, Circuit Judges, and SETTLE, District
Judge.**

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The Honorable Benjamin H. Settle, District Judge for the U.S. District
Court for the Western District of Washington, sitting by designation.

Ana Maria Rivas de Tamacas and Roberto Ivan Tamacas Portillo, natives and citizens of El Salvador, petition for review of the Board of Immigration Appeals' ("BIA") order dismissing their appeal from an immigration judge's decision denying their applications for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). We have jurisdiction pursuant to 8 U.S.C. § 1252, and we deny the petition.

Substantial evidence supports the BIA's finding that petitioners failed to meet their burden of showing they suffered past persecution on account of membership in a particular social group. *See Ayala v. Holder*, 640 F.3d 1095, 1097–98 (9th Cir. 2011) (per curiam). Likewise, the petitioners failed to demonstrate an objective well-founded fear of future persecution. *See Arriaga-Barrientos v. U.S.I.N.S.*, 937 F.2d 411, 414 (9th Cir. 1991) (petitioner must establish a pattern of persecution closely tied to petitioner to establish a well-founded fear). Petitioners were not personally harmed or personally threatened, there is no persuasive evidence that the killings of their family members were efforts to harm or attack petitioners emotionally, and there is no persuasive evidence that the killings were motivated by family membership.

The BIA's finding with regard to imputed political opinion is also supported by substantial evidence. The motive of the assailants is unknown and it was

reasonable to conclude that the incidents were random acts of violence. *See Ochave v. I.N.S.*, 254 F.3d 859, 866 (9th Cir. 2001).

Because petitioners failed to present sufficient evidence to show they were eligible for asylum, they necessarily failed to make the more stringent showing that they were eligible for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

Petitioners did not make any argument regarding the BIA's denial of CAT relief in their opening brief. Therefore their CAT claim is waived. *See Martinez-Serrano v. I.N.S.*, 94 F.3d 1256, 1259 (9th Cir. 1996).

AFFIRMED.