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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FELICIANO GARCIA-LOPEZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 11-73902

Agency No. A097-126-099

MEMORANDUM*

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

Submitted July 22, 2014**

Before: GOODWIN, CANBY, and CALLAHAN, Circuit Judges.

Feliciano Garcia-Lopez, 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 his application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review

* 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).

de novo questions of law and review for substantial evidence the agency's factual findings. *Wakkary v. Holder*, 558 F.3d 1049, 1056 (9th Cir. 2006). We deny the petition for review.

The record does not compel the conclusion that Garcia-Lopez established changed or extraordinary circumstances to excuse his untimely asylum application. *See* 8 C.F.R. §§ 1208.4(a)(4), (5); *see also Ramadan v. Gonzales*, 479 F.3d 646, 657-58 (9th Cir. 2007) (per curiam). Accordingly, his asylum claim fails.

Substantial evidence supports the BIA's determination that the harassment, robbery, and threats Garcia-Lopez experienced in Guatemala, even considered cumulatively, did not rise to the level of persecution. *See Wakkary*, 558 F.3d at 1059-60. Thus, Garcia-Lopez is not entitled to a presumption of future persecution. *See Molina-Estrada v. INS*, 239 F.3d 1089, 1094 (9th Cir. 2002). Substantial evidence also supports the BIA's determination that Garcia-Lopez failed to demonstrate a clear probability of future persecution on account of a protected ground. *See Hoxha v. Ashcroft*, 319 F.3d 1179, 1184-85 (9th Cir. 2003) (evidence did not compel finding that it was more likely than not petitioner would be persecuted if returned); *Sangha v. INS*, 103 F.3d 1482, 1486 (9th Cir. 1997). Thus, Garcia-Lopez's withholding of removal claim also fails.

PETITION FOR REVIEW DENIED.