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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RENE FIDEL PUAC,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-72248

Agency No. A088-894-186

MEMORANDUM\*

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

Submitted September 23, 2014\*\*

Before: W. FLETCHER, RAWLINSON, and CHRISTEN, Circuit Judges.

Rene Fidel Puac, 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 withholding of removal.

Our jurisdiction is governed by 8 U.S.C. § 1252. We review for substantial

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\* 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).

evidence the agency's factual findings. *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006). We deny in part and dismiss in part the petition for review.

Puac contends he will be persecuted in Guatemala on account of his Mayan ethnicity. Substantial evidence supports the BIA's determination that Puac has not demonstrated that any potential mistreatment he may face in Guatemala would rise to the level of persecution. *See Nagoulko v. INS*, 333 F.3d 1012, 1016-17 (9th Cir. 2003) (discrimination, including employment discrimination, and harassment did not compel finding of persecution). We lack jurisdiction to consider Puac's disfavored group contention because he failed to raise this issue to the BIA. *See Arsdí v. Holder*, 659 F.3d 925, 928-29 (9th Cir. 2011). Puac does not otherwise challenge the BIA's denial of this withholding of removal claim. Thus, Puac's withholding of removal claim fails.

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**