

DEC 17 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAFAEL EMILIO MARROQUIN
CANALES,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 12-72824

Agency No. A095-750-426

MEMORANDUM*

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

Submitted December 9, 2014**

Before: WALLACE, LEAVY, and BYBEE, Circuit Judges.

Rafael Emilio Marroquin Canales, a native and citizen of El Salvador, petitions pro se for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his applications for asylum, withholding of removal, and relief under the Convention Against Torture

* 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).

(“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review factual findings for substantial evidence and review questions of law de novo. *Wakkary v. Holder*, 558 F.3d 1049, 1056 (9th Cir. 2009). We deny the petition for review.

The record does not compel the conclusion that the brief assault on Canales and the two death threats he received rise to the level of past persecution or establish a well-founded fear of future persecution. *See Gu v. Gonzales*, 454 F.3d 1014, 1017-18, 1021-22 (9th Cir. 2006); *see also Nahrvani v. Gonzales*, 399 F.3d 1148, 1153-54 (9th Cir. 2005) (discussing circumstances under which menacing threats constitute persecution, and concluding applicant’s fear of future persecution was too speculative). Accordingly, Canales’s asylum claim fails.

In light of Canales’s failure to establish eligibility for asylum, his claim for withholding of removal likewise fails. *See Nahrvani*, 399 F.3d at 1154.

Finally, Canales’s CAT claim also fails because the record does not compel the conclusion that it is more likely than not that Canales will be tortured by or with the acquiescence of the government in El Salvador. *See Tamang v. Holder*, 598 F.3d 1083, 1095 (9th Cir. 2010).

PETITION FOR REVIEW DENIED.