

APR 17 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HAURY DAVID BARILLAS-IPINA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
--

No. 11-70737

Agency No. A094-773-601

MEMORANDUM*

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

Submitted April 7, 2015**

Before: FISHER, TALLMAN, and NGUYEN, Circuit Judges.

Haury David Barillas-Ipina, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' 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 for

* 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).

1 substantial evidence the agency’s factual findings, *Wakkary v. Holder*, 558 F.3d
2 1049, 1056 (9th Cir. 2009), and we deny the petition for review.

3 Substantial evidence supports the agency’s finding that Barillas-Ipina did
4 not establish past persecution or a well-founded fear of future persecution because
5 he failed to demonstrate that the Guatemalan government was unwilling or unable
6 to protect him. *See Nahrvani v. Gonzales*, 399 F.3d 1148, 1154 (9th Cir. 2005)
7 (evidence did not compel conclusion that government was unable or unwilling to
8 protect where police took complaints and investigated reports of mistreatment); *see*
9 *also Sangha v. INS*, 103 F.3d 1482, 1487 (9th Cir. 1997) (to reverse the agency’s
10 decision, petitioner must show that the evidence compels this conclusion).

11 As Barillas-Ipina failed to establish eligibility for asylum, his withholding of
12 removal claim necessarily fails. *See Nahrvani*, 399 F.3d at 1154.

13 **PETITION FOR REVIEW DENIED.**