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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CESAR LOPEZ-CHILEL,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 11-72678

Agency No. A088-883-136

MEMORANDUM*

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

Submitted May 13, 2015**

Before: LEAVY, CALLAHAN, and M. SMITH, Circuit Judges.

Respondent's motion to lift the stay of proceedings is granted.

Cesar Lopez-Chilel, 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, withholding of

* 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).

removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings, *Silaya v. Mukasey*, 524 F.3d 1066, 1070 (9th Cir. 2008), and we deny the petition for review.

Lopez-Chilel does not challenge the agency’s determination that his asylum claim was time barred, nor the agency’s denial of his CAT claim. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in a party’s opening brief are waived). Thus, we deny the petition for review as to Lopez-Chilel’s asylum and CAT claims.

With respect to withholding of removal, Lopez-Chilel does not claim past persecution. Substantial evidence supports the BIA’s determination that Lopez-Chilel failed to establish it is more likely than not that he will face future persecution by gang members in Guatemala. *See Nagoulko v. INS*, 333 F.3d 1012, 1018 (9th Cir. 2003) (possibility of future persecution too speculative). Thus, Lopez-Chilel’s withholding of removal claim fails.

PETITION FOR REVIEW DENIED.