

MAY 29 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ERIC GEPIGA GUERRA,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-72619

Agency No. A079-630-433

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.

Eric Gepiga Guerra, a native and citizen of the Philippines, 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).

substantial evidence the agency's factual findings, *Nahrvani v. Gonzales*, 399 F.3d 1148, 1151 (9th Cir. 2005), and we deny the petition for review.

We reject Guerra's request that the court take judicial notice of country conditions in the Philippines. *See Fisher v. INS*, 79 F.3d 955, 963 (9th Cir. 1996) (en banc).

The record does not compel the finding that Guerra established the government of the Philippines is unwilling or unable to control the individuals he fears. *See Nahrvani*, 399 F.3d at 1154. Thus, Guerra's asylum and withholding of removal claims fail. *See id.*

PETITION FOR REVIEW DENIED.