

OCT 21 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SANTOS REYES LOPEZ DE LEON,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 11-72307

Agency No. A070-944-466

MEMORANDUM*

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

Submitted October 14, 2015**

Before: SILVERMAN, BYBEE, and WATFORD, Circuit Judges.

Santos Reyes Lopez de Leon, 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 and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review

* 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).

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

Substantial evidence supports the BIA's determination that Lopez de Leon's experiences with guerrillas, even cumulatively, did not rise to the level of persecution. *See Hoxha v. Ashcroft*, 319 F.3d 1179, 1182 (9th Cir. 2003). We reject Lopez de Leon's contention that the BIA engaged in impermissible fact-finding. Because Lopez de Leon did not establish past persecution, he is not entitled to a presumption of future fear of persecution. *See* 8 C.F.R. §§ 1208.13(b)(1), 1208.16(b)(1)(i). Thus, Lopez de Leon's asylum and withholding of removal claims fail.

PETITION FOR REVIEW DENIED.