

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 24 2015

FOR THE NINTH CIRCUIT

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

JOSE AMILCAR CHIM COYOY,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-71744

Agency No. A070-451-872

MEMORANDUM*

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

Submitted November 18, 2015**

Before: TASHIMA, OWENS, and FRIEDLAND, Circuit Judges.

Jose Amilcar Chim Coyoy, 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 withholding of removal and protection under the Convention Against Torture ("CAT"). We have

* 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).

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). We deny the petition for review.

Chim Coyoy does not claim past persecution in Guatemala. Substantial evidence supports the agency's finding that Chim Coyoy failed to establish it was more likely than not that he would be persecuted if returned to Guatemala. *See Singh v. INS*, 134 F.3d 962, 967 (9th Cir.1998) ("petitioner cannot simply prove that there exists a generalized or random possibility of persecution[;] he must show that he is at particular risk[.]") (internal quotation marks, alterations, and citation omitted); *see also Nagoulko v. INS*, 333 F.3d 1012, 1018 (9th Cir. 2003) (concluding fear was "not objectively reasonable under the circumstances of this case"). We reject Chim Coyoy's contentions that the agency decisions were insufficient and failed to adequately review the evidence. Thus, Chim Coyoy's withholding of removal claim fails.

Substantial evidence also supports the agency's denial of CAT relief because Chim Coyoy failed to establish it is more likely than not he would be tortured by or with the consent or acquiescence of the government of Guatemala if returned. *See Silaya*, 524 F.3d at 1073.

PETITION FOR REVIEW DENIED.