

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 22 2016

FOR THE NINTH CIRCUIT

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

CRISTIAN SAMUEL CARDONA
FUENTES,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-73009

Agency No. A200-691-175

MEMORANDUM*

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

Submitted June 14, 2016**

Before: BEA, WATFORD, and FRIEDLAND, Circuit Judges.

Cristian Samuel Cardona Fuentes, 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 relief under the Convention Against Torture ("CAT").

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2).*

We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings. *Molina-Morales v. INS*, 237 F.3d 1048, 1050 (9th Cir. 2001). We deny the petition for review.

Substantial evidence supports the agency's determination that the harm Cardona Fuentes suffered did not rise to the level of persecution. *See Lim v. INS*, 224 F.3d 929, 936 (9th Cir. 2000) ("Threats standing alone . . . constitute past persecution in only a small category of cases, and only when the threats are so menacing as to cause significant actual "suffering or harm.""). Substantial evidence also supports the agency's determination that Cardona Fuentes failed to establish a protected ground would be a central reason for the harm he fears. *See Parussimova v. Mukasey*, 555 F.3d 734, 740 (9th Cir. 2009); *see also Molina-Morales*, 237 F.3d at 1052 (harm based on personal retribution is not persecution on account of a protected ground). We reject Cardona Fuentes's contention that the agency discounted his testimony. Thus, we deny the petition for review as to Cardona Fuentes's withholding of removal claim.

Finally, substantial evidence also supports the agency's denial of CAT relief because Cardona Fuentes failed to show it is more likely than not that he would be tortured by the Guatemalan government, or with its consent or acquiescence. *See Garcia-Milian v. Holder*, 755 F.3d 1026, 1034-35 (9th Cir. 2014).

PETITION FOR REVIEW DENIED.