

FILED

SEP 02 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JIN HE-CHUAN, AKA Chaun Jin He,
AKA Ming Yu,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-73863

Agency No. A087-518-513

MEMORANDUM*

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

Submitted August 31, 2016**
Pasadena, California

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

Jin He-Chuan, a native and citizen of China, 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.

* 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, *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006), and we deny the petition for review.

He-Chuan contends Chinese officials persecuted him, and would arrest him upon his return, on account of his political activity in refusing the government's demand for his parent's land. Substantial evidence supports the agency's determination that the government's interest in He-Chuan derived from a legitimate prosecutorial purpose after he kicked a government official and potentially vandalized government equipment. *See Lin v. Holder*, 610 F.3d 1093, 1097 (9th Cir. 2010) ("Ordinary prosecution for criminal activity is not persecution 'on account of' a protected ground."); *see also Parussimova v. Mukasey*, 555 F.3d 734, 740-41 (9th Cir. 2009) (under the REAL ID Act, applicant must prove a protected ground is at least "one central reason" for persecution). Because He-Chuan failed to establish a nexus between his past or feared mistreatment and a protected ground, his asylum and withholding of removal claims fail.

PETITION FOR REVIEW DENIED.