

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 19 2016

FOR THE NINTH CIRCUIT

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

JOSE DE JESUS ARIAS MARINERO,

No. 14-71409

Petitioner,

Agency No. A072-676-283

v.

MEMORANDUM*

LORETTA E. LYNCH, Attorney General,

Respondent.

On Petition for Review of an
Immigration Judge's Decision

Submitted September 13, 2016**

Before: HAWKINS, N.R. SMITH, and HURWITZ, Circuit Judges.

Jose De Jesus Arias Marinero, a native and citizen of El Salvador, petitions pro se for review of the immigration judge's ("IJ") determination under 8 C.F.R. § 1208.31(a) that he did not have a reasonable fear of persecution or torture and thus is not entitled to relief from his reinstated removal order. We have

* 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).

jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings, *Andrade-Garcia v. Lynch*, No. 13-74115, 2016 WL 3924013, at *4 (9th Cir. July 7, 2016), and we review de novo due process claims, *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000). We deny the petition for review.

We reject Arias Marinero's contentions that the IJ's review was deficient and a violation of due process, *see Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error to prevail on a due process claim), and his contention that he was stripped of a right to appeal.

Substantial evidence supports the IJ's conclusion that Arias Marinero failed to establish a reasonable possibility of future persecution on account of a protected ground. *See* 8 C.F.R. § 1208.31(c); *Parussimova v. Mukasey*, 555 F.3d 734, 740 (9th Cir. 2009) (the REAL ID Act "requires that a protected ground represent 'one central reason' for an asylum applicant's persecution"); *Molina-Morales v. INS*, 237 F.3d 1048, 1051-52 (9th Cir. 2001) (personal retribution is not persecution on account of a protected ground); *Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010) ("An alien's desire to be free from harassment by criminals motivated by theft or random violence by gang members bears no nexus to a protected

ground.”).

Substantial evidence also supports the conclusion that Arias Marinero failed to establish a reasonable possibility of future torture by the government of El Salvador or with its consent or acquiescence. *See* 8 C.F.R. § 1208.31(c); *Silaya v. Mukasey*, 524 F.3d 1066, 1073 (9th Cir. 2008).

PETITION FOR REVIEW DENIED.