

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 1 2017

FOR THE NINTH CIRCUIT

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

BIN SHEN,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 14-73046

Agency No. A200-269-614

MEMORANDUM*

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

Submitted May 24, 2017**

Before: THOMAS, Chief Judge, and SILVERMAN and RAWLINSON,
Circuit Judges.

Bin Shen, a native and citizen of China, 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. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings,

* 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).

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 conclusion that, even if credible, Shen failed to demonstrate the harm he experienced in China rose to the level of persecution. *See He v. Holder*, 749 F.3d 792, 796 (9th Cir. 2014) (applicant must show "substantial evidence of further persecution" apart from spouse's forced abortion); *Gu v. Gonzales*, 454 F.3d 1014, 1019-21 (9th Cir. 2006) (evidence did not compel the conclusion that petitioner suffered past persecution). Substantial evidence also supports the BIA's conclusion that Shen did not establish a fear of future persecution in China based on the past family planning incidents. *See Gu*, 454 F.3d at 1022 (9th Cir. 2006) (petitioner did not "present compelling, objective evidence demonstrating a well-founded fear of persecution."). Thus, his asylum claim fails.

PETITION FOR REVIEW DENIED.