

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 18 2019

FOR THE NINTH CIRCUIT

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

MIGUEL ZACARIAS,

No. 18-70266

Petitioner,

Agency No. A087-716-227

v.

MEMORANDUM*

MATTHEW G. WHITAKER, Acting
Attorney General,

Respondent.

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

Submitted January 15, 2019**

Before: TROTT, TALLMAN, and CALLAHAN, Circuit Judges.

Miguel Zacarias, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' ("BIA") 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"). We have jurisdiction

* 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).

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). We deny the petition for review.

Substantial evidence supports the agency's conclusion that Zacarias failed to establish the government of Guatemala is unable or unwilling to control his alleged persecutors. *See Castro-Perez v. Gonzales*, 409 F.3d 1069, 1072 (9th Cir. 2005) (record did not compel conclusion that the government was unable or unwilling to control persecutors). Thus, we deny the petition as to Zacarias's withholding of removal claim.

We reject Zacarias's contention that the BIA failed to consider evidence as to his withholding of removal and CAT claims. *See Najmabadi v. Holder*, 597 F.3d 983, 990 (9th Cir. 2010). Apart from his argument about the failure to consider evidence, Zacarias does not challenge the agency's denial of his CAT claim.

PETITION FOR REVIEW DENIED.