

DEC 28 2007

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

ANIBAL BENJAMIN SANCHEZ-GARCIA,
TERESA VARGAS VARGAS-SANCHEZ,

Petitioners,

v.

MICHAEL B. MUKASEY,* Attorney
General,

Respondent.

No. 05-77293

Agency Nos. A-79-562-218
A-70-545-044

MEMORANDUM**

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

Submitted December 3, 2007***

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges

* Michael B. Mukasey is substituted for his predecessor, Alberto R. Gonzales, as Attorney General of the United States, pursuant to Federal Rule of Appellate Procedure 43(c)(2).

** This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

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

Anibal Benjamin Sanchez-Garcia, a native and citizen of Guatemala, and his wife, Teresa Vargas Vargas-Sanchez, a native and citizen of Mexico, petition for review of the Board of Immigration Appeals' order dismissing their appeal from an immigration judge's decision denying Sanchez-Garcia's application for asylum. We have jurisdiction pursuant to 8 U.S.C. § 1252. Reviewing for substantial evidence, *Nahrvani v. Gonzales*, 399 F.3d 1148, 1151 (9th Cir. 2005), we deny the petition for review.

Substantial evidence supports the BIA's conclusion that Sanchez-Garcia failed to demonstrate past persecution because he did not testify that he was ever harmed, threatened, or even directly confronted by the Guatemalan army. *See id.* at 1153.

Substantial evidence also supports the BIA's conclusion that Sanchez-Garcia failed to demonstrate his claimed fear of persecution is objectively reasonable. *See id.* at 1154.

PETITION FOR REVIEW DENIED.