

SEP 04 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GEOFFRY ROMY MARTINEZ-LEPPE,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 06-73122

Agency No. A98-297-905

MEMORANDUM\*

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

Submitted August 26, 2008\*\*

Before: SCHROEDER, KLEINFELD, and IKUTA, Circuit Judges.

Geoffry Romy Martinez-Leppe, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order summarily affirming an

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

immigration judge's ("IJ") decision denying his application for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). We have jurisdiction under 8 U.S.C. § 1252. Reviewing for substantial evidence, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992), we deny the petition for review.

Even assuming that Martinez-Leppe was targeted on account of a protected ground and that his experiences rise to the level of persecution, substantial evidence supports the IJ's denial of asylum because he did not show the gang members who targeted him were forces the government was either unable or unwilling to control. *See Castro-Perez v. Gonzales*, 409 F.3d 1069, 1071-72 (9th Cir. 2005).

Because Martinez-Leppe failed to establish eligibility for asylum, he necessarily failed to meet the more stringent standard for withholding of removal. *See id.* at 1072.

Because Martinez-Leppe has not "specifically and distinctly argued and raised" the issue of CAT relief, he has waived that claim. *See id.* (internal quotation marks and citation omitted).

**PETITION FOR REVIEW DENIED.**