

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 26 2008

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

MARINO AGULLANA JUAN, JR.;
FELY TABAGO JUAN,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 04-71949

Agency Nos. A072-175-547
A072-175-548

MEMORANDUM*

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

Submitted December 17, 2008**

Before: GOODWIN, WALLACE, and TROTT, Circuit Judges.

Marino Agullana Juan, Jr., and his wife, both natives and citizens of the
Philippines, petition for review of the Board of Immigration Appeals' ("BIA")

* 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).

order dismissing their appeal from an immigration judge's decision denying their application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Popova v. INS*, 273 F.3d 1251, 1257 (9th Cir. 2001), and we deny the petition.

Substantial evidence supports the BIA's conclusion that there has been a fundamental change in circumstances in the Philippines such that Juan no longer has a well-founded fear of persecution. *See Gonzalez-Hernandez v. Ashcroft*, 336 F.3d 995, 1000-01 (9th Cir. 2003). Accordingly, petitioners' asylum and withholding of removal claims fail.

PETITION FOR REVIEW DENIED.