

FEB 27 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARLENE TORRES URENA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
--

No. 06-73250

Agency No. A095-311-457

MEMORANDUM*

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

Submitted February 18, 2009**

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Marlene Torres Urena, a native and citizen of Costa Rica, petitions pro se for review of a Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's decision denying her application for asylum and

* 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).

withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992), and we deny the petition for review.

The agency denied Torres Urena's asylum claim as time-barred. Torres Urena does not challenge this finding in her opening brief.

Substantial evidence supports the agency's denial of withholding of removal because Torres Urena failed to establish past persecution, *see Nagoulko v. INS*, 333 F.3d 1012, 1016-17 (9th Cir. 2003), or that it was more likely than not she would be persecuted if returned to Costa Rica, *see Hoxha v. Ashcroft*, 319 F.3d 1179, 1185 (9th Cir. 2003).

Lastly, Torres Urena's contention that the BIA failed to adequately articulate its reasoning is not supported by the record.

PETITION FOR REVIEW DENIED.