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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VIVYAN PATROS SHAMO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 04-76194

Agency No. A079-232-276

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.

Vivyan Patros Shamo, a native and citizen of Iraq, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's ("IJ") decision denying her application for asylum and withholding of

* 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).

removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Prasad v. INS*, 47 F.3d 336, 338-39 (9th Cir. 1995), and we deny the petition for review.

Substantial evidence supports the IJ's determination that the harassment and detentions suffered by Shamo did not rise to the level of past persecution. *See Al-Saher v. INS*, 268 F.3d 1143, 1146 (9th Cir. 2001); *Gu v. Gonzales*, 454 F.3d 1014, 1019-21 (9th Cir. 2006). Substantial evidence also supports the IJ's determination that Shamo failed to establish a well-founded fear of future persecution because she did not submit any evidence to the IJ of persecution of Chaldean Christians in Iraq and the IJ properly took notice of changed political conditions at the time of the hearing. *See Nagoulko v. INS*, 333 F.3d 1012, 1018 (9th Cir. 2003); *see also Acewicz v. INS*, 984 F.2d 1056, 1059-61 (9th Cir. 1993).

Because Shamo failed to establish eligibility for asylum, she necessarily failed to meet the more stringent standard for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

PETITION FOR REVIEW DENIED.