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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DIEGO VENANCIO SAQUIC-SACCHE, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 05-71178 Agency No. A072-529-609 MEMORANDUM[*]

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

Submitted March 18, 2009[**]

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

Diego Venancio Saquic-Sacche, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order summarily affirming the immigration judge's ("IJ") decision denying his application for asylum,

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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).

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.

Substantial evidence supports the IJ's denial of asylum because Saquic-Sacche failed to establish that the guerillas' attempt to recruit him was on account of a protected ground, *see Pedro-Mateo v. INS*, 224 F.3d 1147, 1151 (9th Cir. 2000); *see also Elias-Zacarias*, 502 U.S. at 482-83 (guerrilla attempt to recruit an alien, taken alone, is insufficient to compel a finding of persecution on account of political opinion), and he failed to establish that any future problems he might have with the guerillas or the government stems from a protected ground, *see Elias-Zacarias*, 502 U.S. at 482-83. Moreover, Saquic-Sacche did not establish that the deaths of his cousins and disappearance of his nephew over a ten year period were connected to him. *See Arriaga-Barrientos v. INS*, 937 F.2d 411, 414 (9th Cir. 1991) (requiring that any pattern of persecution be "closely tied to the petitioner"). Accordingly, Saquic-Sacche's asylum claim fails.

Because Saquic-Sacche failed to satisfy the lower standard of proof for asylum, it necessarily follows that he failed to satisfy the more stringent standard

for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

Substantial evidence further supports the IJ's determination that Saquic-Sacche failed to establish it is more likely than not he would be tortured if returned to Guatemala. *See Singh v. Gonzales*, 439 F.3d 1100, 1113 (9th Cir. 2006).

PETITION FOR REVIEW DENIED.