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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CARLOS AUDELIO RODRIGUEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-71814

Agency No. A078-659-889

MEMORANDUM*

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

Submitted July 14, 2009**

Before: SCHROEDER, THOMAS, and WARDLAW, Circuit Judges.

Carlos Audelio Rodriguez, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for

* 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).

substantial evidence, *Ramos-Lopez v. Holder*, 563 F.3d 855, 858 (9th Cir. 2009), and we deny the petition for review.

Substantial evidence supports the agency's finding that, even if Rodriguez testified credibly, the single beating and harassment he received from gang members seeking to recruit him did not establish past persecution or a well-founded fear of future persecution on account of a protected ground. *See id.* at 861-862 (holding that young men who resist gang recruitment do not constitute a particular social group, and refusal to join a gang does not amount to a political opinion).

Because Rodriguez failed to establish eligibility for asylum, he 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.