

OCT 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARLON RIVAI SALGUERO DONADO,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 07-72624

Agency No. A070-945-442

MEMORANDUM*

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

Submitted October 19, 2010**

Before: O’SCANNLAIN, TALLMAN, and BEA, Circuit Judges.

Marlon Rivai Salguero Donado, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s decision denying his application for asylum, withholding of removal, and cancellation of removal. Our jurisdiction is governed

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

by 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 in part and dismiss in part the petition for review.

Donado testified guerillas harmed him for refusing to transport arms and for refusing to give them merchandise. The record does not compel reversal of the BIA's conclusion that Donado failed to establish guerillas targeted him on account of a protected ground. *See id.* at 482-84. Substantial evidence also supports the BIA's conclusion that Donado failed to establish a well-founded fear of future persecution, particularly in light of the 1996 Peace Accords which ended the conflict between guerillas and the Guatemalan government. *See Molina-Estrada v. INS*, 293 F.3d 1089, 1095-96 (9th Cir. 2002). Accordingly, Donado's asylum and withholding of removal claims fail.

We lack jurisdiction to review the agency's discretionary determination that Donado failed to show exceptional and extremely unusual hardship to a qualifying relative. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 929-30 (9th Cir. 2005).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.