

SEP 22 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HONG YANG,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 07-73130

Agency No. A099-048-452

MEMORANDUM*

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

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN and N.R. SMITH, Circuit Judges.

Hong Yang, native and citizen of China, petitions for review of a Board of Immigration Appeals’ order dismissing her appeal from an immigration judge’s (“IJ”) decision denying her application for asylum. We have jurisdiction under 8

* 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).

U.S.C. § 1252. We review for substantial evidence factual findings, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 & n.1 (1992), and de novo due process claims, *Vasquez-Zavala v. Ashcroft*, 324 F.3d 1105, 1107 (9th Cir. 2003). We deny the petition for review.

Substantial evidence supports the agency's conclusion that Yang did not establish a well-founded fear of future persecution because Yang did not demonstrate the Chinese authorities have any continuing interest in pursuing her, *see Nagoulko v. INS*, 333 F.3d 1012, 1018 (9th Cir. 2003) (record evidence did not show petitioner had objectively reasonable basis for future fear), and because Yang's husband continues to reside in China without harm, *see Aruta v. INS*, 80 F.3d 1389, 1395 (9th Cir. 1996) (petitioner's similarly situated relatives had not been harmed).

We reject Yang's due process contention that the IJ was biased, because she has not demonstrated any bias or that the proceedings were fundamentally unfair. *See Ibarra-Flores v. Gonzales*, 439 F.3d 614, 620-21 (9th Cir. 2006) (petitioner must show proceeding was "so fundamentally unfair that the alien was prevented from reasonably presenting his case" and that he was prejudiced) (internal citation and quotation omitted).

PETITION FOR REVIEW DENIED.