

SEP 30 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GERIS SHAWAN,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
--

No. 07-73427

Agency No. A076-705-945

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.

Geris Shawan, a native and citizen of Israel, petitions for review of a Board of Immigration Appeals’ (“BIA”) order summarily affirming an immigration judge’s (“IJ”) decision denying his application for withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. This court reviews de novo questions of

* 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).

law, *Cerezo v. Mukasey*, 512 F.3d 1163, 1166 (9th Cir. 2008), except to the extent that deference is owed to the BIA's determination of the governing statutes and regulations, *Simeonov v. Ashcroft*, 371 F.3d 532, 535 (9th Cir. 2004). This court reviews factual findings for substantial evidence. *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006). We deny the petition for review.

We reject Shawan's claim that he faces a clear probability of persecution on account of either his political opinion, *see Soriano v. Holder*, 569 F.3d 1162, 1164-65 (9th Cir. 2009) (fear of harm was not on account of political opinion where criminals were motivated to harm petitioner to retaliate for informing on them), or his membership in a particular social group, *see id.* at 1166 (rejecting "government informants" as a particular social group). Further, substantial evidence supports the IJ's determination that Shawan failed to demonstrate the Israeli government would be unable or unwilling to control the individuals who threatened to harm him. *See Castro-Perez v. Gonzales*, 409 F.3d 1069, 1072 (9th Cir. 2005).

Accordingly, Shawan's withholding of removal claim fails.

PETITION FOR REVIEW DENIED.