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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DENIS OMAR SANCHEZ-VIGIL,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-70657

Agency No. A099-666-441

MEMORANDUM*

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

Submitted November 16, 2010**

Before: TASHIMA, BERZON, and CLIFTON, Circuit Judges.

Denis Omar Sanchez-Vigil, a native and citizen of El Salvador, 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 relief under the Convention Against Torture ("CAT").

* 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).

We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence findings of fact, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992), and de novo claims of due process violations, *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000). We deny the petition for review.

Substantial evidence supports the BIA's conclusion that Sanchez-Vigil failed to establish gang members targeted him on account of a protected ground. *See Bolshakov v. INS*, 133 F.3d 1279, 1280-81 (9th Cir. 1998) (criminal street gang activity does not establish persecution on account of a protected ground). Accordingly, Sanchez-Vigil's asylum and withholding of removal claims fail. *See Barrios v. Holder*, 581 F.3d 849, 856 (9th Cir. 2009).

Substantial evidence supports the BIA's denial of CAT relief because Sanchez-Vigil failed to show it is more likely than not he would be tortured if returned to El Salvador. *See Santos-Lemus v. Mukasey*, 542 F.3d 738, 747-48 (9th Cir. 2008). Sanchez-Vigil's contention that the BIA applied the wrong standard to his CAT claim is not supported by the record. *See Lata v. INS*, 204 F.3d 1241, 1245 (9th Cir. 2000).

PETITION FOR REVIEW DENIED.