

APR 25 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MAINOR AMILCAR MARROQUIN;
OFELIA MARROQUIN-PINEDA,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-70850

Agency Nos. A072-544-152
A098-005-176

MEMORANDUM*

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

Submitted April 17, 2012**

Before: LEAVY, PAEZ, and BEA, Circuit Judges.

Mainor Amilcar Marroquin and Ofelia Marroquin-Pineda, natives and citizens of Guatemala, petition for review of the Board of Immigration Appeals' order dismissing their appeal from an immigration judge's decision denying their applications for asylum, withholding of deportation and removal, and relief under

* 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).

the Convention Against Torture (“CAT”). We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for substantial evidence factual findings, *Sowe v. Mukasey*, 538 F.3d 1281, 1285 (9th Cir. 2008), and deny the petition for review.

The record does not compel the conclusion that the death threats Marroquin experienced, even considered cumulatively, amounted to persecution. *See Lim v. INS*, 224 F.3d 929, 936-37 (9th Cir. 2000) (unfulfilled threats, without more, do not generally constitute persecution). Therefore, petitioners’ humanitarian asylum claim fails. *See* 8 C.F.R. § 1208.13(b)(1)(iii). In addition, substantial evidence supports the agency’s finding that, even if Marroquin established past persecution, the record reflects country conditions in Guatemala have changed such that petitioners no longer have a well-founded fear of future persecution by the Guatemalan army or guerrillas. *See Sowe*, 538 F.3d at 1286-87. Accordingly, petitioners’ asylum and withholding of deportation and removal claims fail.

Finally, substantial evidence also supports the agency’s denial of CAT relief based on changed country conditions. *See id.*, at 1288-89.

PETITION FOR REVIEW DENIED.