

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 13 2013

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

MARTA URUTIA-ORELLANA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-73782

Agency No. A098-951-498

MEMORANDUM*

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

Argued and Submitted December 3, 2013**
Pasadena, California

Before: SCHROEDER, NOONAN, and CLIFTON, Circuit Judges.

Marta Urutia-Orellana petitions for review of the Board of Immigration Appeals' order affirming an order of removal. We deny the petition.

To be eligible for relief, Urutia-Orellana must show that the evidence compelled conclusions that she suffered persecution (or had a well founded fear

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

that she would suffer persecution) on account of a “race, religion, nationality, membership in a social group, or political opinion,” and that the El Salvador government was unable or unwilling to control the gang that threatened her family. *Navas v. INS*, 217 F.3d 646, 656 (9th Cir. 2000).

Even if we assume that she suffered persecution on account of her family relationship and that her family constituted a particular social group for this purpose, Urutia-Orellana did not establish that the government was unable or unwilling to control the gang. That she was told that the police could not help unless she could provide evidence was not remarkable and did not establish that the authorities would not have done anything if there was evidence. *See Nahrvani v. Gonzales*, 399 F.3d 1148, 1154 (9th Cir. 2005). Urutia-Orellana did not ask the uncle who actually received the threat to go to the police. The evidence showed that the police captured one of the gang members involved in the murder of Urutia-Orellana’s brother in law, suggesting that the police would act.

PETITION DENIED.