

APR 29 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CARLSEN CLEMENTE; MILANNE LIM CLEMENTE,</p> <p style="text-align: center;">Petitioners,</p> <p>v.</p> <p>LORETTA E. LYNCH, Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 10-73894

Agency Nos. A098-410-380
A098-410-381

MEMORANDUM*

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

Submitted April 22, 2015**

Before: GOODWIN, BYBEE, and CHRISTEN, Circuit Judges.

Carlsen Clemente and Milanne Lim Clemente, natives and citizens of the Philippines, petition for review of the Board of Immigration Appeals’ (“BIA”) order dismissing their appeal from an immigration judge’s decision denying their application for asylum and withholding of removal. 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 the agency's factual findings. *Ochave v. INS*, 254 F.3d 859, 861-62 (9th Cir. 2001). We deny the petition for review.

Substantial evidence supports the BIA's determination that petitioners failed to establish changed or extraordinary circumstances to excuse their untimely asylum applications. *See* 8 C.F.R. § 1208.4(a)(4), (5); *see also Ramadan v. Gonzales*, 479 F.3d 646, 657-58 (9th Cir. 2007) (per curiam). Thus, petitioners' asylum claim is time-barred.

Substantial evidence also supports the BIA's determination that petitioners failed to establish past persecution or fear of future persecution on account of a protected ground. *See Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010) (petitioner's "desire to be free from harassment by criminals motivated by theft or random violence" lacks nexus); *Singh v. INS*, 134 F.3d 962, 967 (9th Cir. 1998) (petitioner must show particularized risk). Thus, petitioners' withholding of removal claim fails. In light of this determination, we need not reach petitioners' arguments regarding particular social group or political opinion.

PETITION FOR REVIEW DENIED.