

MAY 19 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

EDWIN ROCAEL TERCERO RAMIREZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-71219

Agency No. A072-109-862

MEMORANDUM*

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

Argued and Submitted May 13, 2014
San Francisco, California

Before: D.W. NELSON, McKEOWN, and M. SMITH, Circuit Judges.

Edwin Rocael Tercero Ramirez (Ramirez), a native and citizen of Guatemala, petitions for review of a decision of the Board of Immigration Appeals (BIA) affirming the Immigration Judge’s denial of his applications for asylum and withholding of removal. The BIA concluded that Ramirez failed to establish an objectively reasonable fear of future persecution on account of a protected ground.

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

Because the parties are familiar with the facts and procedural history of this case, we repeat only those facts necessary to resolve the issues raised on appeal. We deny the petition for review.

Even assuming “family members of journalists” qualifies as a particular social group, substantial evidence supports the BIA’s conclusion that Ramirez failed to establish the requisite nexus between the persecution feared and a protected ground. *See Li v. Holder*, 559 F.3d 1096, 1102 (9th Cir. 2009); *Navas v. INS*, 217 F.3d 646, 654 (9th Cir. 2000). The testimony of Ramirez’s brother, Domingo Tercero (Tercero), and the reasonable inferences taken from it, *see Ornelas-Chavez v. Gonzales*, 458 F.3d 1052, 1056 (9th Cir. 2006); *Lopez-Alvarado v. Ashcroft*, 381 F.3d 847, 851 (9th Cir. 2004), do not compel the conclusion that Ramirez will be harmed on account of his membership in a group consisting of family members of journalists or on account of imputed political opinion. More specifically, the BIA did not err in finding that the evidence did not establish that Tercero’s mother or any other family member was harmed on account of Tercero’s work as a journalist. The BIA also did not err in concluding that there is insufficient evidence that Ramirez is at risk of harm due to his relationship to Tercero.

PETITION DENIED.