

DEC 28 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

EVELIO HUMBERTO MARTINEZ-  
ESCALANTE,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-73664

Agency No. A070-779-782

MEMORANDUM\*

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

Submitted December 19, 2012\*\*

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Evelio Humberto Martinez-Escalante, a native and citizen of Guatemala, petitions pro se for review of a Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s decision denying his

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\* 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).

application for asylum. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings, *Halim v. Holder*, 590 F.3d 971, 975 (9th Cir. 2009), and we deny the petition for review.

Martinez-Escalante fears being targeted in Guatemala by unidentified individuals who shot his brother, a former police officer. Substantial evidence supports the BIA's decision that, even if credible, Matinez-Escalante failed to establish a well-founded fear of persecution. *See id.* at 977 (petitioner "failed to make a compelling showing of the requisite objective argument of a well-founded fear"). Consequently, his asylum claim fails.

**PETITION FOR REVIEW DENIED.**