

DEC 20 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CHUN BING WU,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 11-73787

Agency No. A099-672-761

MEMORANDUM\*

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

Submitted May 7, 2012\*\*

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

Chun Bing Wu, a native and citizen of China, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s decision denying his application for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction

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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).

under 8 U.S.C. § 1252. We review findings of fact for substantial evidence, *Zhao v. Mukasey*, 540 F.3d 1027, 1030 (9th Cir. 2008), and we deny the petition for review.

Wu's claim for asylum relief fails because substantial evidence supports the agency's determination that the harm Wu experienced did not rise to the level of past persecution, *see Gu v. Gonzales*, 454 F.3d 1014, 1019-21 (9th Cir. 2006), and Wu failed to demonstrate an objectively reasonable fear of future persecution if removed. *See Castro-Martinez v. Holder*, 674 F.3d 1073, 1082 (9th Cir. 2011).

Because Wu failed to meet the lower burden of proof for asylum, it follows that he has not met the higher standard for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

Finally, substantial evidence supports the agency's denial of CAT relief, because Wu failed to establish that it is more likely than not that he will be tortured if he returns to China. *See Go v. Holder*, 640 F.3d 1047, 1053-54 (9th Cir. 2011).

**PETITION FOR REVIEW DENIED.**