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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KARLA YANETH REGALO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 12-71447

Agency No. A088-029-017

MEMORANDUM*

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

Submitted March 10, 2015**

Before: FARRIS, WARDLAW, and PAEZ, Circuit Judges.

Karla Yaneth Regalo, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying her application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for

* 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).

substantial evidence the agency's factual findings, *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006), and we deny the petition for review.

Regalo testified that she was followed and harassed by gang members who wanted her to join the gang and/or go out with them, and that she considered the unwanted attention threatening. Substantial evidence supports the agency's determination that Regalo failed to establish she suffered harm rising to the level of persecution. *See Nagoulko v. INS*, 333 F.3d 1012, 1016-18 (9th Cir. 2003) (harassment and physical encounters without any significant physical violence did not compel finding of past persecution); *see also Wakkary v. Holder*, 558 F.3d 1049, 1060 (9th Cir. 2009) (harm to family must be closely tied to petitioner). Regalo does not challenge the agency's finding that she failed to establish a well-founded fear of persecution because she was able to relocate and live safely in San Salvador for five years before voluntarily returning to her hometown. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not supported by argument are deemed waived). Thus, we deny the petition as to Regalo's asylum claim.

Because Regalo failed to establish eligibility for asylum, her withholding of removal claim necessarily fails. *See Zehatye*, 453 F.3d at 1190.

PETITION FOR REVIEW DENIED.