

United States Court of Appeals
For the Eighth Circuit

No. 13-1631

Jose Najarro Zuniga; Roni Najarro-Ramirez

Petitioners

v.

Eric H. Holder, Jr., Attorney General of the United States

Respondent

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

Submitted: February 5, 2014

Filed: February 11, 2014

[Unpublished]

Before WOLLMAN, MURPHY, and SMITH, Circuit Judges.

PER CURIAM.

Guatemalan citizens Jose Najarro Zuniga and Rony Najarro-Ramirez petition for review of an order of the Board of Immigration Appeals (BIA), which upheld an immigration judge's denial of asylum, withholding of removal, and relief under the Convention Against Torture (CAT). After careful review, we conclude that the denial of relief was supported by substantial evidence on the record as a whole. See

Khrystodorov v. Mukasey, 551 F.3d 775, 781-82 (8th Cir. 2008) (substantial-evidence standard for reviewing denials of asylum, withholding of removal, and CAT relief); Melecio-Saquil v. Ashcroft, 337 F.3d 983, 987 (8th Cir. 2003) (dramatic, post-1996 changes in Guatemala prevented dated events from translating into objectively reasonable fear of persecution).¹ Accordingly, we deny the petition for review. See 8th Cir. R. 47B.

¹We note that the BIA expressly stated that it was not basing its decision on 8 U.S.C. § 1158(b)(2)(A)(i) (alien who ordered, incited, assisted, or otherwise participated in persecution of others is barred from obtaining asylum). We therefore do not consider the applicability of that provision. Cf. Uanreroro v. Gonzales, 443 F.3d 1197, 1204 (10th Cir. 2006) (appeals court will not affirm on ground raised in immigration judge's decision unless relied on by BIA in its affirmance).