

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-3531

Cesar Chali-Alvarez; Timotea	*	
Rodriguez-Smith,	*	
	*	
Petitioners,	*	
	*	Petition for Review of
v.	*	an Order of the Board
	*	of Immigration Appeals.
Eric H. Holder, Jr., Attorney General ¹	*	
of the United States,	*	[UNPUBLISHED]
	*	
Respondent.	*	

Submitted: November 6, 2009
Filed: December 14, 2009

Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Cesar Chali-Alvarez and Timotea Rodriguez-Smith, natives and citizens of Guatemala, petition for review of an order of the Board of Immigration Appeals (BIA), which affirmed an immigration judge's denial of asylum and cancellation of

¹Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Attorney General Eric H. Holder, Jr. is automatically substituted for former Attorney General Michael B. Mukasey as respondent in this case.

removal.² Because substantial evidence supports the BIA's determination that petitioners were not subjected to past persecution and do not have a well-founded fear of future persecution in Guatemala, we deny review of petitioners' asylum claims. See Khrystodorov v. Mukasey, 551 F.3d 775, 781 (8th Cir. 2008) (standard of review); Malonga v. Mukasey, 546 F.3d 546, 552 (8th Cir. 2008) (defining persecution); Melecio-Saquil v. Ashcroft, 337 F.3d 983, 986-87 (8th Cir. 2003) (changed country conditions in Guatemala after 1996 peace accords). Because this court lacks jurisdiction to review the BIA's determination that Chali-Alvarez failed to prove his removal would cause an exceptional and extremely unusual hardship to his children, under 8 U.S.C. § 1229b(b)(1)(D), we also deny review of his claim for cancellation of removal. See Zacarias-Velasquez v. Mukasey, 509 F.3d 429, 434 (8th Cir. 2007) (standard of review).

Accordingly, the petition for review is denied.

²Petitioners do not challenge the denial of withholding of removal. See Averianova v. Mukasey, 509 F.3d 890, 892 n.1 (8th Cir. 2007) (aliens waived claim by failing to present argument on appeal).