

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 10-1402

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Francisco Orlando Saldana-Quinones;	*	
Elsa Mendez-Roca,	*	
	*	
Petitioners,	*	Petition for Review of
	*	an Order of the Board
v.	*	of Immigration Appeals.
	*	
Eric H. Holder, Jr., Attorney General	*	<b>[UNPUBLISHED]</b>
of the United States,	*	
	*	
Respondent.	*	

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Submitted: September 14, 2010  
Filed: September 17, 2010

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Before LOKEN, MURPHY, and BENTON, Circuit Judges.

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PER CURIAM.

Guatemalan citizens Francisco Orlando Saldana-Quinones and Elsa Mendez-Roca petition for review of an order of the Board of Immigration Appeals that affirmed an immigration judge’s denial of asylum and withholding of removal. We lack jurisdiction to review the determination that petitioners’ asylum applications were barred as untimely filed. *See* 8 U.S.C. § 1158(a)(3); *Ngure v. Ashcroft*, 367 F.3d 975, 989 (8th Cir. 2004). After careful review, we conclude the denial of withholding of removal is supported by substantial evidence in the record because petitioners did not meet their burden to show a “clear probability” that they would face persecution on

account of a protected ground if they are returned to Guatemala. See Ming Ming Wijono v. Gonzales, 439 F.3d 868, 872, 874 (8th Cir. 2006) (standard of review); Zacarias-Velasquez v. Mukasey, 509 F.3d 429, 433-34 (8th Cir. 2007) (persecution must be on account of protected ground); Bartolo-Diego v. Gonzales, 490 F.3d 1024, 1027-28 (8th Cir. 2007) (same).

Accordingly, we deny the petition.

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