

APR 28 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KARIM MEHDI VIRANI,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 06-74319

Agency No. A095-618-048

MEMORANDUM\*

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

Submitted April 13, 2009\*\*

Before: GRABER, GOULD, and BEA, Circuit Judges.

Karim Mehdi Virani, a native and citizen of Pakistan, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's decision denying his application for asylum and withholding of removal.

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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 finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Our jurisdiction is governed by 8 U.S.C. § 1252. We review for substantial evidence, *Nagoulko v. INS*, 333 F.3d 1012, 1015 (9th Cir. 2003), and we deny in part and dismiss in part the petition for review.

Substantial evidence supports the agency's finding that the threats and harassment Virani suffered on account of his religion as a Shi'a Muslim did not rise to the level of past persecution. *See id.* at 1016–17. In addition, Virani's fear of future persecution is undercut because his father has remained in Pakistan unharmed. *See Hakeem v. INS*, 273 F.3d 812, 816-17 (9th Cir. 2001). We lack jurisdiction to review Virani's contention that his fear of future persecution is based on a pattern and practice of persecution of Shi'a Muslims in Pakistan because he failed to exhaust this contention before the agency. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004). Accordingly, Virani's asylum claim fails.

Because Virani failed to establish eligibility for asylum, he necessarily failed to meet the more stringent standard for withholding of removal. *See Alvarez-Santos v. INS*, 332 F.3d 1245, 1255 (9th Cir. 2003).

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**