

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 23 2009

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NASIR KHAN; SANAH KHAN; SEEMA  
KHAN,

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 05-73422

Agency Nos. A078-656-529

A078-656-530

A078-656-531

MEMORANDUM\*

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

Submitted June 8, 2009\*\*  
San Francisco, California

Before: TROTT, McKEOWN and IKUTA, Circuit Judges.

Substantial evidence supports the IJ's finding that Khan does not have a well-founded fear of persecution.

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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).

For the purposes of Khan's application for withholding of removal, substantial evidence also supports the IJ's rejection of Khan's claim that it is "more likely than not" that Khan will be persecuted on account of a protected ground upon his return to Pakistan. *INS v. Stevic*, 467 U.S. 407, 429–30 (1984).

Khan failed to advance any evidence that he "is more likely than not to be tortured upon his return" to Pakistan. *See Delgado v. Holder*, 563 F.3d 863, 874 (9th Cir. 2009). Therefore, substantial evidence also supports the IJ's denial of relief under the Convention Against Torture.

**PETITION DENIED.**