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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SARKIS MARKARIAN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>

No. 05-72476

Agency No. A023-407-438

MEMORANDUM*

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

Submitted July 29, 2009**

Before: WALLACE, LEAVY, and HAWKINS, Circuit Judges.

Sarkis Markarian, a native and citizen of Iraq, petitions for review of the Board of Immigration Appeals’ order summarily affirming an immigration judge’s (“IJ”) decision denying his request for protection under the Convention Against

* 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).

Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. Reviewing for substantial evidence, *El Himri v. Ashcroft*, 378 F.3d 932, 936 (9th Cir. 2004), we deny the petition for review.

Substantial evidence supports the IJ’s decision to deny CAT relief because Markarian failed to demonstrate that it is more likely than not he would be tortured if he returned to Iraq. *See id.* at 938.

PETITION FOR REVIEW DENIED.