

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

FEB 16 2010

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

OUSMAN BALDEH,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 08-73635

Agency No. A096-556-752

MEMORANDUM*

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

Submitted February 2, 2010**
Seattle, Washington

Before: W. FLETCHER and RAWLINSON, Circuit Judges, and MOSMAN,^{***}
District Judge.

Ousman Baldeh, a native and citizen of the Gambia, petitions for review of a
decision of the Board of Immigration Appeals (BIA) affirming an Immigration

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision
without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Michael W. Mosman, District Judge for the District of
Oregon, sitting by designation.

Judge's (IJ) denial of his applications for asylum, withholding of removal, and protection under the Convention Against Torture (CAT).

1. Baldeh's petition for review of his asylum claim is denied. The asylum application was untimely and the IJ's determination that no changed circumstances existed to excuse the delay was supported by substantial evidence. *See Dhital v. Mukasey*, 532 F.3d 1044, 1050 (9th Cir. 2008).

2. Baldeh's petition for review of his withholding of removal claim is also denied. Substantial evidence supports the IJ's determination that Baldeh failed to establish an objectively reasonable fear of future persecution, thereby falling short of the required showing of a "clear probability" of persecution. *Canales-Vargas v. Gonzales*, 441 F.3d 739, 746 (9th Cir. 2006).

3. Baldeh's petition for review of his claim under the CAT is dismissed because he failed to exhaust his administrative remedy by raising this issue before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004).

DISMISSED in part, DENIED in part.