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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SAROJANI DEVI GOVINDER,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 08-72668

Agency No. A070-450-532

MEMORANDUM*

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

Submitted August 1, 2011**

Before: LEAVY, THOMAS, and MURGUIA, Circuit Judges.

Sarojani Devi Govinder, a native and citizen of Fiji, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for

* 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).

an abuse of discretion the BIA's denial of a motion to reopen. *Toufighi v. Mukasey*, 538 F.3d 988, 992 (9th Cir. 2008). We deny the petition for review.

The BIA did not abuse its discretion in denying Govinder's motion to reopen because it considered the record and acted within its broad discretion in determining that the evidence was insufficient to establish prima facie eligibility for asylum, withholding of removal, or CAT relief. *See Wakkary v. Holder*, 558 F.3d 1049, 1060, 1068 (9th Cir. 2009); *Mendez-Gutierrez v. Gonzales*, 444 F.3d 1168, 1171-72 (9th Cir. 2006).

Govinder's contentions that the BIA failed to apply the proper legal standard or address her claim for withholding of removal are belied by the record.

The BIA also did not abuse its discretion in finding that Govinder is not prima facie eligible for relief under the Convention Against Torture because Govinder failed to establish it is more likely than not she will be tortured if returned to Fiji. *See Wakkary*, 558 F.3d at 1068.

PETITION FOR REVIEW DENIED.