

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 24 2011

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

ALAZAR GETACHEW ARSDI,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-72147

Agency No. A028-129-238

MEMORANDUM*

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

Argued and Submitted August 9, 2011
San Francisco, California

Before: KOZINSKI, Chief Judge, O'SCANNLAIN and BEA, Circuit Judges.

Alazar Getachew ArsdI is a native and citizen of Ethiopia, who is removable under 8 U.S.C. § 1227(a)(2)(A)(iii) for having committed an aggravated felony. He petitions for review of the Board of Immigration Appeals' denial of his claim for deferral of removal pursuant to the United Nations Convention Against Torture

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

(“CAT”).¹ We have jurisdiction under 8 U.S.C. § 1252, and we deny Arsdi’s petition.

“[A]dministrative findings of fact are conclusive unless any reasonable adjudicator would be *compelled* to conclude to the contrary.” 8 U.S.C.

§ 1252(b)(4)(B) (emphasis added). It was Arsdi’s burden to show “a chance greater than fifty percent that he will be tortured if removed.” *Hamoui v. Ashcroft*, 389 F.3d 821, 827 (9th Cir. 2004).

The record in this case does not compel a conclusion that Arsdi will more likely than not be tortured. He has produced some evidence that torture sometimes occurs in Ethiopian prisons. But because he has not even shown that he will more likely than not be detained if returned to Ethiopia, he clearly has not shown that he will more likely than not be tortured.

DENIED.

¹ Arsdi also filed for asylum and withholding of removal. His appeal regarding those claims is disposed of in a concurrently filed opinion.