

DEC 08 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HARIS AZIZI,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General</p> <p>Respondent.</p>
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No. 08-70449

Agency No. A72 143 638

MEMORANDUM*

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

Argued and Submitted November 14, 2011
San Francisco, California

Before: NOONAN and BEA, Circuit Judges, and WALTER, District Judge.**

Haris Azizi (“Azizi”), a native and citizen of Afghanistan, petitions for review of the decision by the Board of Immigration Appeals (“BIA”) affirming an Immigration Judge’s (“IJ”) denial of his application for withholding of removal under 8 U.S.C. § 1231(b)(3). In his opening brief Azizi does not challenge the

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

** The Honorable Donald E. Walter, Senior District Judge for the U.S. District Court for Western Louisiana, sitting by designation.

agency's finding that he is removable to Germany, or the agency's denial of his application for relief under the Convention Against Torture. These issues are waived. *Martinez-Serrano v. INS*, 94 F.3d 1256, 1259 (9th Cir. 1996). Azizi seeks only review of the agency's denial of withholding of removal to Afghanistan in the alternative. We review for substantial evidence. *Lolong v. Gonzales*, 484 F.3d 1173, 1178 (9th Cir. 2007) (en banc). We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

Azizi did not establish past persecution in Afghanistan. To qualify for withholding of removal Azizi must demonstrate a clear probability that his life or freedom will be threatened upon removal to Afghanistan on account of his race, religion, nationality, membership in a particular social group, or political opinion. *Lanza v. Ashcroft*, 389 F.3d 917, 933 (9th Cir. 2004); 8 U.S.C. § 1231(b)(3). Azizi has not demonstrated that he is more likely than not to suffer harm greater than the general population of Afghanistan at the hands of the Afghani government or a group the government cannot or will not control. *Singh v. INS*, 134 F.3d 962, 967 (9th Cir. 1998); *Lolong*, 484 F.3d at 1179-80.

PETITION DENIED.