

JAN 26 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ESSA SAMASA,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 09-71748

Agency No. A095-403-203

MEMORANDUM*

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

Submitted January 17, 2012**

Before: LEAVY, TALLMAN, and CALLAHAN, Circuit Judges.

Essa Samasa, a native and citizen of Sierra Leone, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for asylum, withholding of

* 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).

removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence findings of fact, including adverse credibility determinations. *Sowe v. Mukasey*, 538 F.3d 1281, 1285 (9th Cir. 2008). We deny the petition for review.

Substantial evidence supports the agency’s finding that, even if credible, and even if Samasa established past persecution on account of a protected ground, the DHS had rebutted the presumption of a well-founded fear of future persecution based on changed country conditions in Sierra Leone. *See id.* at 1286.

Additionally, the BIA did not abuse its discretion in denying humanitarian asylum where Samasa failed to show sufficiently severe past persecution or a reasonable possibility of other serious harm upon removal to Sierra Leone. *See* 8 C.F.R. § 1208.13(b)(1)(iii); *see also Belayneh v. INS*, 213 F.3d 488, 491 (9th Cir. 2000). Therefore, Samasa’s asylum claims fails.

Because Samasa failed to establish eligibility for asylum, he necessarily fails to meet the more stringent standard for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

Lastly, Samasa has not raised any arguments challenging the agency's denial of CAT relief. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not supported by argument are deemed abandoned).

PETITION FOR REVIEW DENIED.