

FEB 06 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ALI KABBA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 09-70843

Agency No. A097-117-628

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.

Ali Kabba, a native and citizen of Sierra Leone, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). Our jurisdiction is

* 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).

governed by 8 U.S.C. § 1252. We review for substantial evidence factual findings. *Sowe v. Mukasey*, 538 F.3d 1281, 1285 (9th Cir. 2008). We deny in part and dismiss in part the petition for review.

Substantial evidence supports the agency's denial of asylum and withholding of removal based upon changed country conditions because, even if Kabba were credible and established past persecution, the record reflects that country conditions in Sierra Leone have changed such that Kabba no longer has a well-founded fear of future persecution by members of the Revolutionary United Front. *See id.* at 1285-86, 1288. Accordingly, Kabba's asylum and withholding of removal claims fail. *See id.* at 1288.

We lack jurisdiction to address Kabba's unexhausted challenge to the IJ's denial of CAT relief. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.