

APR 23 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AHMAD AWAD GHNAIMAT,)	No. 08-72585
)	
Petitioner,)	Agency No. A071-805-697
)	
v.)	MEMORANDUM*
)	
ERIC H. HOLDER Jr., Attorney)	
General,)	
)	
Respondent.)	
_____)	

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

Submitted April 10, 2012**
Pasadena, California

Before: FERNANDEZ and SILVERMAN, Circuit Judges, and BLOCK,**
District Judge.

Ahmad Awad Ghnaimat, a native and citizen of Jordan, petitions for review

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

**The panel unanimously finds this case suitable for decision without oral
argument. Fed. R. App. P. 34(a)(2).

***The Honorable Frederic Block, Senior United States District Judge for the
Eastern District of New York, sitting by designation.

of the Board of Immigration Appeals' denial of his motion to reopen for the purpose of asserting relief pursuant to the Convention Against Torture.¹

We deny the petition.

Ghnaimat failed to spell out a prima facie case² that if he was returned to Jordan, it was more likely than not³ that he would be tortured (subjected to severe mental pain or suffering⁴) by or with the acquiescence of public officials in Jordan.⁵ Therefore, the BIA did not abuse its discretion⁶ when it denied reopening.⁷

Petition DENIED.

¹United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted Dec. 10, 1984, S. Treaty Doc. No. 100-20 (1988), 1465 U.N.T.S. 85, implemented at 8 C.F.R. § 1208.18.

²See Azanor v. Ashcroft, 364 F.3d 1013, 1018 (9th Cir. 2004).

³See id.

⁴See 8 C.F.R. § 1208.18(a)(1)–(5).

⁵See Wakkary v. Holder, 558 F.3d 1049, 1067–68 (9th Cir. 2009); Arteaga v. Mukasey, 511 F.3d 940, 948–49 (9th Cir. 2007).

⁶See Azanor, 364 F.3d at 1018.

⁷See, e.g., El Himri v. Ashcroft, 378 F.3d 932, 934–35, 938 (9th Cir. 2004); Gui v. INS, 280 F.3d 1217, 1229, 1230 (9th Cir. 2002).