

MAY 23 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MODU JAWARA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-70088

Agency No. A095-575-505

MEMORANDUM*

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

Submitted May 15, 2012**

Before: CANBY, GRABER, and M. SMITH, Circuit Judges.

Modu Jawara, 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 decision denying his application for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). We have

* 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).

jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence findings of fact. *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 Jawara was entitled to a presumption of a well-founded fear of persecution, the presumption was rebutted by evidence of changed country conditions in Sierra Leone. *See id.* at 1286. Therefore, Jawara's asylum claims fails.

Because Jawara 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, substantial evidence supports the agency's finding that Jawara has not established a clear probability of torture at the hands of the government or with its consent or acquiescence upon return to Sierra Leone. *See Silaya v. Mukasey*, 524 F.3d 1066, 1073 (9th Cir. 2008). Accordingly, Jawara's CAT claim fails.

PETITION FOR REVIEW DENIED.