

SEP 18 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GRACE WANGARI WAHOME,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-71499

Agency No. A098-848-404

MEMORANDUM*

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

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

Grace Wangari Wahome, a native and citizen of Kenya, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing her appeal from an immigration judge’s decision denying her 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, *Wakkary v. Holder*, 558 F.3d 1049, 1056 (9th Cir. 2009), and we deny the petition for review.

The record does not compel the conclusion that Wahome established changed or extraordinary circumstances that excuse her untimely filed asylum application. *See* 8 C.F.R. § 1208.4(a)(4), (5). Accordingly, her asylum claim fails.

Substantial evidence supports the BIA's denial of withholding of removal because Wahome did not establish that she was or would be harmed in Kenya on account of a protected ground. *See Ochave v. INS*, 254 F.3d 859, 865-66 (9th Cir. 2001) (no nexus between rape by guerillas and a protected ground).

Substantial evidence also supports the BIA's denial of CAT relief because Wahome failed to establish it is more likely than not she would be tortured if returned to Kenya. *See* 8 C.F.R. § 1208.16(c)(2), (3); *Singh v. Gonzales*, 439 F.3d 1100, 1113 (9th Cir. 2006).

PETITION FOR REVIEW DENIED.