

OCT 15 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>ABUBAKAR DRAMMEH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 09-73845

Agency No. A098-132-326

MEMORANDUM\*

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

Submitted October 9, 2012\*\*

Before: RAWLINSON, MURGUIA, and WATFORD, Circuit Judges.

Abubakar Drammeh, 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 removal, and protection under the Convention Against Torture

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\* 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).

(“CAT”). Our jurisdiction is 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 dismiss in part and deny in part the petition for review.

We lack jurisdiction to review Drammeh’s contention that he is eligible for humanitarian asylum because he failed to exhaust it before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

Substantial evidence supports the agency’s finding that, even if Drammeh were credible, and even if he established past persecution, the government rebutted the presumption that Drammeh has a well-founded fear of persecution if he returned to Sierra Leone. *See Sowe*, 538 F.3d at 1285-87 (evidence of fundamental changes in Sierra Leone rebutted the presumption of a well-founded fear of future persecution). Accordingly, Drammeh’s asylum claim fails.

Because Drammeh failed to meet the lower burden of proof for asylum, his claim for withholding of removal necessarily fails. *See id.* at 1288.

Substantial evidence supports the agency’s denial of CAT relief because Drammeh failed to show it is more likely than not that he will be tortured in Sierra Leone. *See id.* at 1288-89 (9th Cir. 2008) (evidence of changed country conditions defeated CAT claim).

Finally, Drammeh's motion to strike the government's brief, or for an extension of time to file a reply brief, is denied.

**PETITION FOR REVIEW DISMISSED in part; DENIED in part.**