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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DARLTON SHAINÉ POWELL,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 11-70077

Agency No. A099-514-520

MEMORANDUM*

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

Submitted December 19, 2012**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Darlington Shaine Powell, a native and citizen of Jamaica, petitions pro se 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

* 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”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings and review de novo questions of law.

Brezilien v. Holder, 569 F.3d 403, 411 (9th Cir. 2009). We deny in part and grant in part the petition for review, and we remand.

Powell does not challenge the agency’s dispositive determination that his asylum application was time-barred. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not addressed in the argument portion of a brief are deemed waived). Accordingly, we deny the petition as to his asylum claim.

We reject Powell’s request for oral argument, including his requests to argue issues related to corroboration and his convictions. In addition, we reject his contentions regarding past persecution, nexus, and countrywide fear because the BIA did not deny relief on these bases. We also reject his claims that the agency relied on extra-record evidence and that he could not corroborate his claim due to representation-related problems with his application and hearing because they are not supported by the record. Further, we deny Powell’s motion to submit new evidence and grant respondent’s motion to strike new evidence. *See Fisher v. INS*, 79 F.3d 955, 963 (9th Cir. 1996) (en banc) (this court’s review is limited to the administrative record).

As to Powell's withholding of removal and CAT claims, the BIA denied relief because Powell did not present evidence to corroborate his claim of being bisexual. However, because the agency did not have the benefit of our decision in *Ren v. Holder*, 648 F.3d 1079, 1089-94 (9th Cir. 2011), regarding notice and opportunity to provide corroborating evidence, we grant the petition for review with respect to these claims and remand for further proceedings consistent with this disposition.

Each party shall bear its own costs for this petition for review.

**PETITION FOR REVIEW DENIED in part; GRANTED in part;
REMANDED.**