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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SANDUKHT ALEKSANYAN,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-73689

Agency No. A099-737-804

MEMORANDUM*

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

Submitted January 18, 2013**
San Francisco, California

Before: WALLACE, FARRIS, and BYBEE, Circuit Judges.

Aleksanyan petitions for review of the Board of Immigration Appeals's (Board) final order of removal. We have jurisdiction under 8 U.S.C. § 1252(b) and we deny the petition.

* 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).

Substantial evidence supported the Board's denial of asylum because Aleksanyan's alleged mistreatment did not rise to the level of extremity required to show persecution. *See Korablina v. I.N.S.*, 158 F.3d 1038, 1044 (9th Cir. 1998). Nor did Aleksanyan establish that the harm she suffered resulted from her political opinions or membership in a protected social group because she conceded that her alleged mistreatment was due to her son's complaint against the government. *See Fisher v. I.N.S.*, 79 F.3d 955, 960 (9th Cir. 1996) (en banc).

Because Aleksanyan did not meet her burden for asylum, the evidence was insufficient for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

Because the Board assumed that Aleksanyan was credible, Aleksanyan's arguments regarding the immigration judge's adverse credibility finding are moot.

Substantial evidence supported the Board's determination that Aleksanyan did not show that it is more likely than not that she will be tortured if she returns to Armenia because her alleged prior mistreatment did not rise to the level of torture. *See Hasan v. Ashcroft*, 380 F.3d 1114, 1122 (9th Cir. 2004).

PETITION DENIED.