

APR 22 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UGOCHUKWU FREDERICK UBILI,
a.k.a. Frederick Ugochukwu,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-72096

Agency No. A087-068-682

MEMORANDUM*

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

Submitted April 16, 2013**

Before: CANBY, IKUTA, and WATFORD, Circuit Judges.

Ugochukwu Frederick Ubili, a native and citizen of Nigeria, petitions for review of a Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his application for asylum on

* 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).

discretionary grounds. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of asylum as a discretionary matter. *Kalubi v. Ashcroft*, 364 F.3d 1134, 1137 (9th Cir. 2004). We deny the petition for review.

The agency did not abuse its discretion in its discretionary denial of Ubili's asylum claim, and properly considered and weighed all relevant factors before it. *See id.* at 1137, 1139; *Vilchez v. Holder*, 682 F.3d 1195, 1200-01 (9th Cir. 2012) (agency "does not have to write an exegesis on every contention" in reaching discretionary decision); *Hosseini v. Gonzales*, 471 F.3d 953, 957 (9th Cir. 2006) (upholding denial based on prior immigration fraud). We reject Ubili's argument that the agency was not entitled to deny him asylum as a matter of discretion. *See Hosseini*, 471 F.3d at 957 (the IJ has authority to "grant or deny asylum in the exercise of discretion") (internal quotation marks and citation omitted).

Finally, the agency was not required to balance Ubili's prior immigration fraud against the risk of future persecution in Nigeria. *See Kalubi*, 364 F.3d at 1141 (grant of withholding of removal eliminates risk of future persecution in home country).

PETITION FOR REVIEW DENIED.