

APR 22 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GEORGY ALEXY GIGILASHVILI,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 12-72904

Agency No. A079-245-069

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.

Georgy Alexy Gigilashvili, a native and citizen of Georgia, petitions pro se for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”).

* 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).

We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence factual findings, *Gonzalez-Hernandez v. Ashcroft*, 336 F.3d 995, 998 (9th Cir. 2003), and we deny the petition for review.

Gigilashvili does not challenge the IJ's dispositive finding that his application for asylum was untimely.

Gigilashvili fears persecution as a Jehovah's Witness. Substantial evidence supports the agency's finding that, even though Gigilashvili suffered past persecution, the government rebutted the presumption of a well-founded fear of future persecution with evidence of a fundamental change in circumstances in Georgia and evidence that he can reasonably relocate. *See id.* at 998-1000; 8 C.F.R. § 1208.13(b)(1)(i)(A), (b)(2)(ii). Accordingly, Gigilashvili's withholding of removal claim fails.

Finally, substantial evidence also supports the agency's denial of CAT relief because Gigilashvili failed to establish that it is more likely than not he will be tortured by or with the acquiescence of the government of Georgia. *See Silaya v. Mukasey*, 524 F.3d 1066, 1073 (9th Cir. 2008).

Gigilashvili's remaining contentions are unpersuasive.

PETITION FOR REVIEW DENIED.