

SEP 10 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VINCENT ASEERVATHAM,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-73666

Agency No. A089-245-077

MEMORANDUM*

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

Argued and Submitted October 16, 2012
Honolulu, Hawaii

Submission Deferred October 17, 2012
Resubmitted September 5, 2013

Before: REINHARDT, THOMAS, and PAEZ, Circuit Judges.

Petitioner Vincent Aseervatham petitions for review of the Board of Immigration Appeals' ("BIA") dismissal of his appeal of the Immigration Judge's decision denying asylum, withholding of removal, and relief under the Convention

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Against Torture (“CAT”). Because the parties are familiar with the history of the case, we need not recount it here.

Substantial evidence supports the BIA’s conclusion that Aseervatham provided material support to a terrorist organization and is therefore ineligible for asylum. 8 U.S.C. § 1182(a)(3)(B)(iv)(VI). Aseervatham provided computer support for the Liberation Tiger Tamil Eelam, a designated terrorist organization. Communications support is among the examples given in the statute of prohibited support activities. *Id.* Aseervatham’s claim that the statute does not apply because he acted under duress is foreclosed by *Annachamy v. Holder*, __ F.3d __, 2013 WL 4405687, at *9 (9th Cir. July 3, 2012).

Aseervatham’s departure from the United States has rendered moot his claims for withholding of removal and CAT relief. 8 CFR §§ 1241.7, 1208.16(f).¹

PETITION DENIED.

¹This case is hereby resubmitted for decision. Petitioner’s motion for judicial notice is denied. *See Fisher v. I.N.S.*, 79 F.3d 955, 963 (9th Cir. 1996). Respondent’s motion to exceed the word limit for the letter brief ordered by this Court is denied as moot. *See Ninth Cir. R. 32-3(1)*.