

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

OCT 25 2013

SEDIN KESKO,

Petitioner,

v.

ERIC H. HOLDER JR., Attorney General,

Respondent.

No. 10-73490

Agency No. A075-163-254

MEMORANDUM\*

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

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

Argued and Submitted October 9, 2013  
Seattle, Washington

Before: GRABER and MURGUIA, Circuit Judges, and BURY, District Judge.\*\*

Sedin Kesko petitions for review of a final order of removal on the ground that the Board of Immigration Appeals' (BIA) erred in finding that Kesko failed to establish a clear probability of torture to warrant deferral of his removal 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 Honorable David C. Bury, District Judge for the U.S. District Court for the District of Arizona, sitting by designation.

The standard of review is dispositive. We must consider the administrative findings of fact to be conclusive, “unless any reasonable adjudicator would be compelled to conclude to the contrary.” 8 U.S.C. § 1252(b)(4)(B); INS v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992); Zehatye v. Gonzales, 453 F.3d 1182, 1185 (9th Cir. 2006). The evidence does not compel a finding that Kesko would be likely to suffer torture if he returns to Bosnia-Herzegovina because it shows that torture is likely *only* for a person convicted of a crime (or perhaps in the military), and Kesko stated at the hearing he will not commit a crime. In addition, the record shows that Kesko’s ethnicity no longer is in the minority, so he is less at risk for torture. As recognized by the BIA, the immigration judge did consider the Andrejevich report, but the report does not compel a finding that Kesko is likely to be tortured. Even when considered in the aggregate, Kesko has not shown that he more likely than not will be tortured if he returns to Bosnia-Herzegovina.

**PETITION DENIED.**