

APR 14 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GHASSEN MONCEF BEN YOUNES, AKA Ghassen Ben Younes,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 10-71824

Agency No. A079-638-202

MEMORANDUM*

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

Submitted April 7, 2014**
San Francisco, California

Before: BENAVIDES,*** TALLMAN, and CLIFTON, Circuit Judges.

Ghassen Ben Younes (“Younes”), a native and citizen of Tunisia, petitions for review of the final order of removal entered against him by the Board of

* 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).

*** The Honorable Fortunato P. Benavides, Senior Circuit Judge for the U.S. Court of Appeals for the Fifth Circuit, sitting by designation.

Immigration Appeals. The order dismissed his appeal from an immigration judge's decision denying his application for withholding of removal and relief under the Convention Against Torture. We have jurisdiction under 8 U.S.C. § 1252. We review the agency's legal determinations de novo, and factual findings for substantial evidence. *Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010). We deny the petition for review.

Younes has not shown that he was persecuted in the past and does not demonstrate a well-founded fear of future persecution that is both subjectively genuine and objectively reasonable. *Duarte de Guinac v. INS*, 179 F.3d 1156, 1159 (9th Cir. 1999). Younes has failed to demonstrate that it is more likely than not that he will be persecuted were he to return to Tunisia. *Id.*; 8 C.F.R. § 208.16(b)(2). Likewise, Younes has failed to bring evidence showing that it is more likely than not that he will be tortured should he return to Tunisia. *Lanza v. Ashcroft*, 389 F.3d 917, 936 (9th Cir. 2004).

PETITION FOR REVIEW DENIED