

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

APR 21 2014

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

SUNIL BASNET,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-71687

Agency No. A088-870-125

MEMORANDUM*

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

Submitted April 10, 2014**
Seattle, Washington

Before: KOZINSKI, Chief Judge, and RAWLINSON and BEA, Circuit Judges.

Sunil Basnet filed an untimely application for asylum and did not satisfy his burden to show extraordinary or changed circumstances. *See* 8 U.S.C. § 1158(a).

Basnet also failed to demonstrate eligibility for asylum by establishing persecution

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

on account of a protected ground. *See Garcia-Milian v. Holder*, No. 09-71461, —F.3d—, 2014 WL 555138, at *4 (9th Cir. Feb. 13, 2014), *as amended*.

Because “[a]n applicant who fails to satisfy the standard of proof for asylum also fails to satisfy the more stringent standard for withholding of removal,” Basnet’s challenge to the denial of his request for withholding also fails. *Id.* at *5 n.4 (citation omitted).

Because Basnet failed to argue his Convention Against Torture claim in his opening brief, that claim is waived. *See Wagner v. Cnty. of Maricopa*, No. 10-15501, —F.3d—, 2013 WL 7219510, at *11 (9th Cir. Dec. 30, 2013), *as amended*, (citation omitted).

PETITION DENIED.