

DEC 15 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DMITRY SOCHILO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 12-72560

Agency No. A070-568-275

MEMORANDUM\*

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

Submitted December 9, 2014\*\*

Before: WALLACE, LEAVY, and BYBEE, Circuit Judges..

Dmitry Sochilo, a native of the former Soviet Union and citizen of Russia, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his application for asylum and withholding of removal. Our jurisdiction is governed

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\* 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).

by 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings. *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to consider Sochilo's contentions regarding alleged factual errors by the IJ, because he did not raise these contentions before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004) (court lacks jurisdiction to consider issues that have not been administratively exhausted).

Substantial evidence supports the agency's determination that the harm Sochilo experienced did not rise to the level of past persecution, and that he does not have an objectively reasonable fear of future persecution. *See Prasad v. INS*, 47 F.3d 336, 339-40 (9th Cir. 1995). Thus, Sochilo's asylum claim fails. *See id.* at 340.

Because Sochilo failed to establish eligibility for asylum, he necessarily failed to meet the more stringent standard for withholding of removal. *See Zehatye*, 453 F.3d at 1190.

Finally, we reject Sochilo's challenge to the agency's country of removal designation, because the record supports the agency's determination that Russia is the appropriate country of removal.

**PETITION FOR REVIEW DISMISSED in part; DENIED in part.**