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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JIANSHI XIE,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 12-73759

Agency No. A088-093-308

MEMORANDUM*

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

Submitted August 25, 2015**

Before: McKEOWN, CLIFTON, and HURWITZ, Circuit Judges.

Jianshi Xie, a native and citizen of China, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for asylum and withholding of removal.

We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence

* 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). Thus, we deny Xie's request for oral argument.

the agency's factual findings. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006). We deny the petition for review.

Xie does not contend he suffered past persecution in China, nor does he pursue the family planning claim he raised to the agency below. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in a party's opening brief are waived). We do not consider the background information from the 2012 Human Rights Report referred to in Xie's opening brief. *See Fisher v. INS*, 79 F.3d 955, 963 (9th Cir. 1996) (en banc) (this court's review is limited to the administrative record). Substantial evidence supports the agency's finding that Xie failed to demonstrate he had a well-founded fear of future persecution due to his participation in a Christian house church. *See Gu v. Gonzales*, 454 F.3d 1014, 1022 (9th Cir. 2006) (record did not compel conclusion that house church participant had a well-founded fear of persecution).

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

Finally, we deny Xie's request to remand to the BIA for further consideration of administrative closure.

PETITION FOR REVIEW DENIED.