

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 2 2016

FOR THE NINTH CIRCUIT

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

CHIU LAI YEE, AKA Chiu Lai Lai, AKA
Charlie Yee,

No. 13-72210

Petitioner,

Agency No. A031-057-918

v.

MEMORANDUM*

LORETTA E. LYNCH, Attorney General,

Respondent.

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

Submitted April 26, 2016**

Before: McKEOWN, WARDLAW, and PAEZ, Circuit Judges.

Chiu Lai Yee, a native and citizen of Hong Kong, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for protection under the Convention Against Torture ("CAT"). We have jurisdiction under 8 U.S.C.

* 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).

§ 1252. We review for substantial evidence the agency’s factual findings, *Silaya v. Mukasey*, 524 F.3d 1066, 1070 (9th Cir. 2008), and we deny the petition for review.

Substantial evidence supports the BIA’s denial of CAT relief because Yee failed to establish it is more likely than not he would be tortured at the instigation of or with the acquiescence of the government if returned to Hong Kong. *See Zheng v. Holder*, 644 F.3d 829, 835 (9th Cir. 2011) (“claims of possible torture remain speculative”). We reject Yee’s contention that the BIA did not fully consider his arguments on appeal. *See Najmabadi v. Holder*, 597 F.3d 983, 990 (9th Cir. 2010) (BIA need not “write an exegesis on every contention”) (internal quotations and citation omitted). Thus, Yee’s CAT claim fails.

Finally, we do not consider materials attached to the opening brief that were not part of the record before the agency. *See Fisher v. INS*, 79 F.3d 955, 963 (9th Cir. 1996) (en banc) (review limited to the administrative record).

PETITION FOR REVIEW DENIED.