

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 26 2017

FOR THE NINTH CIRCUIT

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

VINESH KUMAR SINGH,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 15-72503

Agency No. A096-674-693

MEMORANDUM*

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

Argued and Submitted September 11, 2017
San Francisco, California

Before: KOZINSKI and FRIEDLAND, Circuit Judges, and BENNETT,** District
Judge.

Vinesh Singh argues that the state-created danger doctrine prohibits the
federal government from deporting him to Fiji, where it would be harder for him to
obtain treatment for a medical condition he contracted while serving a sentence in

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

** The Honorable Mark W. Bennett, United States District Judge for the
Northern District of Iowa, sitting by designation.

a California prison. *See L.W. v. Grubbs*, 974 F.2d 119, 121-22 (9th Cir. 1992).

We assume for the purposes of this appeal that a deportation could be enjoined based on the state-created danger doctrine. *See Morgan v. Gonzales*, 495 F.3d 1084, 1093 (9th Cir. 2007). And we assume that Singh might be entitled to factfinding in a district court if he alleged a colorable claim under that state-created danger doctrine. *See id.* at 1090.

We deny the petition, however, because Singh lacks a colorable claim on the merits.¹ Because federal officials were not involved in creating the danger Singh allegedly faces, the law does not require federal officials to protect him from it. *Compare, e.g., Wang v. Reno*, 81 F.3d 808, 818 (9th Cir. 1996).

PETITION DENIED.

¹ Singh's request for judicial notice of court documents in another lawsuit is granted. *See Fed. R. Evid.* 201.