

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 23 2019

FOR THE NINTH CIRCUIT

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

AMIT KUMAR,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 17-72294

Agency No. A041-813-545

MEMORANDUM*

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

Submitted May 21, 2019**

Before: THOMAS, Chief Judge, FRIEDLAND and BENNETT, Circuit Judges.

Amit Kumar, a native and citizen of Fiji, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his applications for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). Our jurisdiction is

* 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).

governed by 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings. *Arbid v. Holder*, 700 F.3d 379, 385-86 (9th Cir. 2012). We deny in part and dismiss in part the petition for review.

Substantial evidence supports the agency's denial of protection under the CAT, where the evidence shows only the general possibility of torture, and not a likelihood that Kumar will be targeted for harm. *See Almaghzar v. Gonzales*, 457 F.3d 915, 922-23 (9th Cir. 2006) (general reports indicating torture occurs in an alien's home country do not compel conclusion a particular alien will be targeted); *Arbid*, 700 F.3d at 385-86 (to reverse the agency's factual findings, the record must compel a contrary conclusion).

We lack jurisdiction to consider Kumar's contentions regarding the agency's denial of asylum and withholding of removal, where Kumar was found removable for having a conviction relating to a controlled substance and was denied relief based on the same conviction. *See* 8 U.S.C. § 1252(a)(2)(C) (court does not have jurisdiction to review a final order of removal against an alien who is removable for having committed certain criminal offenses); *Garcia v. Lynch*, 798 F.3d 876, 879 (9th Cir. 2015) (aliens removable for committing a crime relating to a controlled substance are subject to the § 1252(a)(2)(C) jurisdictional bar). Kumar fails to raise a legal or constitutional challenge to invoke jurisdiction. *See Pechenkov v. Holder*, 705 F.3d 444, 448 (9th Cir. 2012) ("[8 U.S.C.]

§ 1252(a)(2)(D) cannot restore jurisdiction to review a ‘particularly serious crime’ determination where, as here, the only challenge to that determination is that it incorrectly assessed the facts”).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.