

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 25 2023

FOR THE NINTH CIRCUIT

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

BAKARY FANSU CONTEH,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 22-2073

Agency No.
A088-206-223

MEMORANDUM*

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

Submitted September 12, 2023**

Before: CANBY, CALLAHAN, and OWENS, Circuit Judges.

Bakary Fansu Conteh, a native and citizen of The Gambia, 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 applications for asylum, withholding of removal, and protection under the Convention Against

* 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).

Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review de novo claims of due process violations in immigration proceedings. *Simeonov v. Ashcroft*, 371 F.3d 532, 535 (9th Cir. 2004). We deny the petition for review.

Because Conteh does not challenge the BIA’s adverse credibility determination, frivolousness determination, or merits findings regarding his future persecution claims, we do not address them. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013). Thus, we deny the petition for review as to Conteh’s asylum and withholding of removal claims. We decline to reach Conteh’s contentions that were raised for the first time in his reply brief. *See Bazuaye v. INS*, 79 F.3d 118, 120 (9th Cir. 1996) (“Issues raised for the first time in the reply brief are waived.”).

Conteh also does not contest the BIA’s determination that he waived challenge to the IJ’s denial of CAT protection. *Lopez-Vasquez*, 706 F.3d 1072 at 1079-80. Thus, we deny the petition for review as to Conteh’s CAT claim.

The record does not support Conteh’s contentions that the agency ignored arguments, failed to consider evidence, violated his constitutional rights, or otherwise erred in its analysis of his claims. *See Najmabadi v. Holder*, 597 F.3d 983, 990 (9th Cir. 2010) (agency need not write an exegesis on every contention); *Fernandez v. Gonzales*, 439 F.3d 592, 603 (9th Cir. 2006) (petitioner did not overcome the presumption that the BIA reviewed the record); *see also Padilla-*

Martinez v. Holder, 770 F.3d 825, 830 (9th Cir. 2014) (“To prevail on a due-process claim, a petitioner must demonstrate both a violation of rights and prejudice.”).

We also reject Conteh’s contention that the BIA erred in failing to reconsider its dismissal when reissuing its January 2022 decision, where Conteh did not request reconsideration.

The temporary stay of removal remains in place until the mandate issues.

PETITION FOR REVIEW DENIED.