NOT FOR PUBLICATION

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TEMITOPE SEKINAT MAJEKAODUNMI, Petitioner, v. TODD BLANCHE, United States Attorney General, Respondent.	Nos. 25-2061; 25-2445 Agency No. A206-678-065 MEMORANDUM*

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

Submitted October 19, 2026**
San Francisco, California

Before: CALLAHAN and LEE, Circuit Judges, and EZRA, District Judge.***

Petitioner Temitope Sekinat Majekaodunmi, a native and citizen of Nigeria, petitions for review of an order of the Board of Immigration Appeals ("BIA")

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

** The panel unanimously concluded this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable David A. Ezra, United States District Judge for the District of Hawaii, sitting by designation.

dismissing her appeal from an immigration judge's ("IJ") denial of her application for withholding of removal and protection under the Convention Against Torture ("CAT") and ordering her removal to Nigeria. As explained below, we have jurisdiction over some of Petitioner's claims for relief under 8 U.S.C. § 1252(a). We deny the petition.

Our jurisdiction in immigration cases is based on 8 U.S.C. § 1252(a)(1), which "allows an individual to petition for judicial review of a final order of removal in the appropriate court of appeals." *Monsalvo v. Bondi*, 604 U.S. 712, 720 (2025) (citation modified). For noncitizens who have committed certain crimes, however, §§ 1252(a)(2)(C) and (D) restrict judicial review to "constitutional and legal challenges to the final order of removal," thereby excluding "factual challenges to the final order of removal." *Nasrallah v. Barr*, 590 U.S. 573, 576 (2020). "Mixed questions of law and fact, even when they are primarily factual, fall within the statutory definition of 'questions of law' in § 1252(a)(2)(D) and are therefore reviewable." *Wilkinson v. Garland*, 601 U.S. 209, 225 (2024). This includes "the application of a statutory legal standard . . . to an established set of facts." *Id.* at 212.

"Where, as here, the BIA reviewed the IJ's factual findings for clear error, and reviewed de novo all other issues, our review is 'limited to the BIA's decision, except to the extent the IJ's opinion is expressly adopted.'" *Singh v. Whitaker*, 914

F.3d 654, 658 (9th Cir. 2019) (quoting *Hosseini v. Gonzales*, 471 F.3d 953, 957 (9th Cir. 2006)). We review legal questions de novo and factual findings for substantial evidence. *Id.* Under the substantial evidence standard, which is "highly deferential," *Gonzalez-Juarez v. Bondi*, 137 F.4th 996, 1002 (9th Cir. 2025), "the administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary," *id.* (quoting 8 U.S.C. § 1252(b)(4)(B)).

1. We first address Respondent's argument that we lack jurisdiction to review the IJ's denial of withholding of removal under the Immigration and Nationality Act, given that Petitioner was found removable for a crime involving moral turpitude. *See* 8 U.S.C. §§ 1182(a)(2)(A)(i)(I), 1252(a)(2)(C). The IJ concluded that Petitioner failed to meet her burden of proof for withholding of removal under the REAL ID Act. Specifically, the IJ determined that corroborating evidence was necessary to support Petitioner's testimony and Petitioner did not provide sufficient corroborating evidence or a reasonable explanation for its absence. To the extent Petitioner argues that the IJ applied an incorrect legal standard in determining whether Petitioner satisfied her statutory burden of proof, this Court has jurisdiction to review her appeal. *See Wilkinson*, 601 U.S. at 209. But to the extent Petitioner seeks review of the IJ's determination that Petitioner's explanation for her failure to provide corroborating evidence was unreasonable,

such review implicates issues that are factual in nature and thus barred under 8 U.S.C. § 1252(a)(2)(C).

2. Turning to the issue for which we have jurisdiction, we agree with the BIA that the IJ applied the correct legal standard in determining that Petitioner failed to meet her burden of proof for withholding of removal. The REAL ID Act of 2005 plainly permits courts to require independent corroborating evidence beyond an applicant's testimony to support an application for withholding of relief. *See, e.g.*, *Ren v. Holder*, 648 F.3d 1079, 1090–93 (9th Cir. 2011) (explaining that credible testimony alone may be insufficient and that the IJ must provide the applicant notice and "an opportunity to obtain the required evidence or explain his failure to do so" (citing 8 U.S.C. § 1158(b)(1)(B)(ii))). In this case, the IJ explicitly requested corroborating evidence, and Petitioner's counsel was offered additional time to retrieve such corroborating evidence but declined to do so. Accordingly, the BIA did not err in affirming the denial of withholding of removal.

3. Next, the BIA did not err in affirming the IJ's determination that Petitioner was convicted of a particularly serious crime and thus statutorily ineligible for withholding of removal. *See* 8 C.F.R. § 1208.16(d)(2); 8 U.S.C. § 1231(b)(3)(B). The IJ conducted a case-specific analysis and determined that Petitioner's conviction for conspiracy to commit wire fraud under 18 U.S.C. § 1349 rendered her ineligible for withholding of removal. *See Sarr v. Blanche*, 181 F.4th 933, 942

(9th Cir. 2026) (describing the factors for determining whether an offense qualifies as a particularly serious crime). The IJ specifically noted that Petitioner's offense "require[d] targeting innocent victims" and that Petitioner and her co-conspirators fraudulently obtained money from unemployment agencies by "using personal identifying information of real people." In reviewing this finding, the BIA noted that Petitioner's conviction qualified as an aggravated felony under *Matter of F-R-A-*, 28 I & N Dec. 460, 467 (B.I.A. 2022), and went on to conclude that the case-specific circumstances supported the IJ's finding.

Petitioner argues that the BIA failed to consider all relevant factors, including that Petitioner only received a ten-month sentence and her crime did not constitute a crime against a person. To the contrary, the BIA considered the sentence and nature of Petitioner's conviction and merely gave more weight to the harm Petitioner and her co-conspirators caused to innocent people, concluding that those facts supported a finding of dangerousness. Moreover, the fact that Petitioner's sentence was less than five years and that her crime was technically committed against property do not preclude a finding that she is ineligible for withholding of removal. *See Sarr*, 181 F.4th at 941 (explaining that 8 U.S.C. § 1231(b)(3)(B) categorically treats convictions with sentences of at least five years as particularly serious crimes, but convictions with lesser sentences may nonetheless qualify); *F-R-A-*, 28 I. & N. Dec. at 467–69 (noting that "crimes

against property may also be found to be particularly serious" in concluding that conspiracy to commit wire fraud conviction qualified).

4. Turning lastly to Petitioner's claim for CAT relief, substantial evidence supports the IJ's denial of CAT protection. To prevail on her claim for CAT relief, Petitioner had to show that "[s]he [wa]s more likely than not to be tortured" if removed to Nigeria and that such torture would be inflicted by, or with the acquiescence of, "a public official acting in an official capacity." *Velasquez-Samayoa v. Garland*, 49 F.4th 1149, 1156 (9th Cir. 2022); 8 C.F.R. §§ 1208.17(a), 1208.18. Petitioner argues that the IJ erred in denying CAT relief and, in reviewing this determination, that the BIA failed to consider Petitioner's claim in terms of aggregate risk of torture from all sources.

We disagree. The IJ considered Petitioner's claim that she would be tortured because of her identity as both a woman and a Christian, taking into account her testimony and country conditions evidence. In so doing, the IJ explicitly acknowledged Petitioner's evidence of violence against women in Nigeria as well as religious violence at the hands of the Boko Haram terrorist group. The IJ nonetheless concluded, "[a]fter considering all . . . potential sources and theories of torture in the aggregate," that Petitioner did not offer sufficient evidence to "show that she ha[d] a particularized risk of torture," nor did she establish that such torture would be inflicted with the consent or acquiescence of the Nigerian

government. Petitioner has not pointed the Court to evidence that was neglected and would compel a different finding, thus she has not demonstrated that reversal is warranted on this basis. *See Velasquez-Samoyoa*, 49 F.4th at 1154 (noting that the burden of proof rests on the party seeking deferral of removal under CAT). Accordingly, the BIA did not err in affirming the IJ's denial of CAT relief.

PETITION DENIED.