

United States Court of Appeals
For the Eighth Circuit

No. 11-3608

Maurice Kariuki Gita Waweru

Petitioner

v.

Eric H. Holder, Jr., Attorney General of the United States

Respondent

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

Submitted: May 9, 2012

Filed: October 5, 2012

[Unpublished]

Before **BYE**, **COLLTON**, and **GRUENDER**, Circuit Judges.

PER CURIAM.

Kenyan citizen Maurice Kariuki Gita Waweru petitions for review of an order of the Board of Immigration Appeals (BIA), which affirmed an immigration judge's denial of asylum, withholding of removal, and relief under the Convention Against Torture (CAT). This court lacks jurisdiction to review determinations regarding the untimeliness of Waweru's asylum application. See 8 U.S.C. § 1158(a)(3); Gumaneh

v. Mukasey, 535 F.3d 785, 788 (8th Cir. 2008). As to Waweru’s remaining contentions, we decline to consider arguments and evidence that were not presented to the BIA. See Doe v. Holder, 651 F.3d 824, 830 (8th Cir. 2011); Lukowski v. INS, 279 F.3d 644, 646 (8th Cir. 2002) (“judicial review is limited to administrative record”). We conclude that substantial evidence supports the denials of withholding of removal and CAT relief, and that Waweru’s due process rights were not violated.

For these reasons, we dismiss the petition with respect to the asylum claim and deny it in all other respects. See 8th Cir. R. 47B.
