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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TADESSE AYLEKA AYELE,

Petitioner,

v.

ERIC H. HOLDER JR., Attorney General,

Respondent.

No. 09-73112

Agency No. A028-616-106

MEMORANDUM*

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

Submitted January 11, 2011**
Seattle, Washington

Before: GRABER and M. SMITH, Circuit Judges, and BENITEZ,*** District
Judge.

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

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

*** The Honorable Roger T. Benitez, United States District Judge for the
Southern District of California, sitting by designation.

Petitioner Tadesse Ayleka Ayele petitions for review of an order by the Board of Immigration Appeals (“BIA”) that dismissed his appeal of an immigration judge’s denial of protection under the United Nations Convention Against Torture (“CAT”) and also denied his motion to remand for an adjustment of status.

Petitioner is not a member of the Ethiopian People’s Revolutionary Party (“EPRP”), does not provide financial support for the EPRP, and his name does not appear on any EPRP list. Petitioner also has not suffered harm by or with the acquiescence of the Ethiopian government, nor has he received threats of such harm. Accordingly, substantial evidence supports the BIA’s denial of CAT protection. *See Morales v. Gonzales*, 478 F.3d 972, 983 (9th Cir. 2007).

The BIA also did not abuse its discretion by denying Petitioner’s motion to remand, as Petitioner was statutorily ineligible for an adjustment of status or a waiver of inadmissibility. *See Romero-Ruiz v. Mukasey*, 538 F.3d 1057, 1062 (9th Cir. 2008).

The petition for review is **DENIED**.