

DEC 18 2013

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MAHER OMAR KUTKUT, AKA Maher
Omar Abdel Majid Kutkut, AKA Maher
Omar Abdelmajid Kutkut,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-70376

Agency No. A095-656-685

MEMORANDUM*

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

Argued and Submitted December 2, 2013
Pasadena, California

Before: SCHROEDER, CLIFTON, and WATFORD, Circuit Judges.

Maher Omar Kutkut petitions for review of the Board of Immigration Appeals' decision affirming the Immigration Judge's denial of his applications for asylum, withholding, and relief under the Convention Against Torture ("CAT").

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

The asylum application was denied as untimely because it was filed fifteen months after the expiration of Petitioner's legal status. Moreover, it was filed after removal proceedings had been instituted. Petitioner contends that the delay should nevertheless be considered reasonable, likening his situation to the situation in *Taslimi v. Holder*, 590 F.3d 981 (9th Cir. 2010), where we held a delay of seven months was reasonable in light of petitioner's uncertainties about the permanence of her religious conversion. Petitioner's delay was twice as long, however, and prompted by no comparable change in the circumstances of his life affecting his eligibility for relief.

Given the speculative nature of his concerns about how he would be treated on his return to Jordan, the evidence does not compel a conclusion that he had a well-founded fear of persecution. *See Nagoulko v. INS*, 333 F.3d 1012, 1018 (9th Cir. 2003). The denial of withholding and relief under CAT must be upheld.

In light of our disposition of the case in a nonprecedential memorandum, Petitioner's pending motion is denied as moot.

Petition **DENIED**.