

DEC 2 2014

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SENIK SOGHOMONYAN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 11-73350

Agency No. A097-367-594

MEMORANDUM*

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

Submitted November 18, 2014**

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Senik Soghomonyan, a native and citizen of Armenia, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from the immigration judge’s decision denying his application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for

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

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

substantial evidence the agency's factual findings and de novo questions of law. *Mendoza-Pablo v. Holder*, 667 F.3d 1308, 1312 (9th Cir. 2012). We deny the petition for review.

We reject Soghomonyan's contention that the agency erred in not considering his eligibility for humanitarian asylum, because he did not raise the claim to the agency.

Substantial evidence supports the BIA's determination that, even if Soghomonyan was credible and established past persecution, the government rebutted his presumption of future fear. 8 C.F.R. § 1208.13(b)(ii); *see Kumar v. INS*, 204 F.3d 931, 934 (9th Cir. 2000). We reject Soghomonyan's contention that the BIA improperly placed the burden of rebutting the presumption of future fear. Thus, Soghomonyan's asylum and withholding of removal claims fail.

PETITION FOR REVIEW DENIED.