

DEC 2 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>TONY ZHONG, AKA Ai Qiang Zhong,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 12-72000

Agency No. A098-445-470

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.

Tony Zhong, a native and citizen of China, petitions pro se for review of the Board of Immigration Appeals’ order dismissing his appeal from the immigration judge’s decision denying his application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). Our jurisdiction is

* 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).

governed by 8 U.S.C. § 1252. We review the agency's factual findings for substantial evidence, *Garcia-Milian v. Holder*, 755 F.3d 1026, 1031 (9th Cir. 2014), and we deny in part and dismiss in part the petition for review.

Zhong does not challenge the agency's dispositive determination that his asylum application was untimely. Thus, we deny the petition as to his asylum claim. *See* 8 U.S.C. § 1158(a)(2)(B).

Substantial evidence supports the agency's denial of withholding of removal because Zhong failed to establish a clear probability of future persecution if he returns to China. *See Tamang v. Holder*, 598 F.3d 1083, 1094-95 (9th Cir. 2010); *Jiang v. Holder*, 611 F.3d 1086, 1091-92 (9th Cir. 2010).

Substantial evidence supports the agency's denial of CAT relief because Zhong failed to establish a clear probability that he would be tortured if he returns to China. *See Blandino-Medina v. Holder*, 712 F.3d 1338, 1348 (9th Cir. 2013).

We lack jurisdiction to review Zhong's unexhausted due process claim. *See Arsdí v. Holder*, 659 F.3d 925, 929 (9th Cir. 2011).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.