

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 4 2017

FOR THE NINTH CIRCUIT

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

ANNE WANGARI MWAGIRU,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-71487

Agency No. A200-754-599

MEMORANDUM*

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

Submitted December 14, 2016**

Before: WALLACE, LEAVY and FISHER, Circuit Judges.

Anne Wangari Mwangiri, a native and citizen of Kenya, petitions for review of the Board of Immigration Appeals order dismissing her appeal from an immigration judge's decision denying her application for asylum, withholding of removal and relief under the Convention Against Torture ("CAT"). We have

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

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

jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings. *Wakkary v. Holder*, 558 F.3d 1049, 1056 (9th Cir. 2009). We deny the petition for review.

Substantial evidence supports the agency's determination that Mwangiru failed to demonstrate changed or extraordinary circumstances to excuse her untimely-filed asylum application. *See* 8 C.F.R. § 1208(a)(4), (5). Thus, we deny the petition for review as to Mwangiru's asylum claim, including her claim to a humanitarian grant of asylum.

As to Mwangiru's withholding of removal claim, the record does not compel the conclusion that a protected ground was one central reason for the past harm Mwangiru suffered in Kenya. *See Parussimova v. Mukasey*, 555 F.3d 734, 740 (9th Cir. 2009) (to reverse the REAL ID Act "requires that a protected ground represent 'one central reason' for an asylum applicant's persecution"). Substantial evidence supports the agency's conclusion that Mwangiru failed to establish a clear probability of future persecution because she did not demonstrate it would be unreasonable for her to relocate within Kenya. *See Gomes v. Gonzales*, 429 F.3d 1264, 1267 (9th Cir. 2005) (fear of future persecution undermined by prior successful internal relocation). Thus, we deny her petition for review as to

withholding of removal.

Finally, substantial evidence supports the agency's denial of CAT relief because Mwangi failed to show it is more likely than not that she would be tortured by or with the consent or acquiescence of the Kenyan government. *See Silaya v. Mukasey*, 524 F.3d 1066, 1073 (9th Cir. 2008).

PETITION FOR REVIEW DENIED.