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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SARGIS NIKOGHOSYAN,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 04-73560

Agency No. A75-671-405

MEMORANDUM\*

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

Submitted January 14, 2008\*\*

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Sargis Nikoghosyan, a native of Iran and citizen of Armenia, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for asylum,

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

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

withholding of removal, and protection under the Convention Against Torture (“CAT”). To the extent we have jurisdiction, it is under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings. *See Sangha v. INS*, 103 F.3d 1482, 1487 (9th Cir. 1997). We deny in part and dismiss in part the petition for review.

The record does not compel a finding that Nikoghosyan’s alleged persecutors actually imputed a political opinion to him, *see id.* at 1489, or that they acted on account of an imputed political opinion rather than with a criminal intent. *See id.* at 1486-7. Substantial evidence therefore supports the agency’s denial of asylum and withholding of removal.

Nikoghosyan did not raise his claim for CAT protection before the BIA and we therefore lack jurisdiction to consider his contentions regarding CAT relief. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004).

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**