

United States Court of Appeals
for the Fifth Circuit

No. 21-60360
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
November 29, 2022

Lyle W. Cayce
Clerk

KHALIDOU DIA ABDALLAHI,

Petitioner,

versus

MERRICK GARLAND, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A203 601 690

Before WIENER, DENNIS, and HAYNES, *Circuit Judges.*

PER CURIAM:*

Petitioner Khalidou Dia Abdallahi, a native and citizen of Mauritania, requests review of the Board of Immigration Appeals's (BIA) decision to dismiss his appeal from a decision of the Immigration Judge (IJ). The IJ found Abdallahi's testimony not credible, a finding that was not meaningfully

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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challenged on appeal. The BIA adopted the IJ’s findings and conclusion that “[w]ithout credible testimony, [Abdallahi] is unable to satisfy his burden of proof for asylum and withholding of removal.”

We review the BIA’s decision under the substantial evidence standard. *See Zhang v. Gonzales*, 432 F.3d 339, 344 (5th Cir. 2005). We also consider the IJ’s decision only insofar as it influenced the BIA. *See Singh v. Sessions*, 880 F.3d 220, 224 (5th Cir. 2018).

Abdallahi fails to brief, and has thus abandoned, any challenge to the BIA’s affirmance of the IJ’s adverse credibility decision. *See Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003). The adverse credibility determination here is dispositive because petitioners cannot establish a subjective fear of persecution without credible testimony.¹ *Arulnanthy v. Garland*, 17 F.4th 586, 596-97 (5th Cir. 2021) (“[I]f none of [petitioner’s] testimony is credible, [petitioner] cannot possibly establish a subjective fear of persecution.”). We need not address the arguments involving pattern or practice theory. *See id.*; *see also Ning-Kum v. Garland*, 2022 WL 2438443, *6 (5th Cir. Jul. 5, 2022).

The petition for review is DENIED.

¹ We requested and received supplemental briefing from the parties on *Arulnanthy*, which came down during the pendency of this appeal. 17 F.4th 586 (5th Cir. 2021). Abdallahi contends that it was wrongly decided, but this panel is not able to do away with our colleague’s decision on this issue. *See Mercado v. Lynch*, 823 F.3d 276, 279 (5th Cir. 2016) (“Under our rule of orderliness, ‘one panel of our court may not overturn another panel’s decision, absent an intervening change in the law, such as by a statutory amendment, or the Supreme Court, or our *en banc* court.’” (internal citation omitted)).