

United States Court of Appeals for the Fifth Circuit

No. 26-60014
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 20, 2026

Lyle W. Cayce
Clerk

FERHAN MOHAMMED MUSA,

Petitioner,

versus

TODD WALLACE BLANCHE, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A249 139 087

Before DAVIS, RICHMAN, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Ferhan Mohammed Musa, a native and citizen of Ethiopia, petitions for review of a decision by the Board of Immigration Appeals (BIA) affirming an immigration judge's (IJ) denial of withholding of removal and protection under the Convention Against Torture (CAT). Because the BIA affirmed

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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without opinion, the IJ's decision is the proper focus of our review. *See Lopez-Perez v. Garland*, 35 F.4th 953, 956 (5th Cir. 2022).

First, Musa challenges the IJ's adverse credibility determination. He argues, *inter alia*, that his explanations for the discrepancies the IJ identified concerning his passport stamps and procurement of a visa to travel to China were plausible and that the IJ failed to consider the nature of the human smuggling business. His argument is unavailing, as the IJ was not required to accept Musa's explanations, given other permissible views of the evidence. *See Arulnanthy v. Garland*, 17 F.4th 586, 594 (5th Cir. 2021); *Suate-Orellana v. Barr*, 979 F.3d 1056, 1061 (5th Cir. 2020). Moreover, he does not point to any evidence in the record supporting his contentions. Musa also challenges the other bases of the IJ's adverse credibility determination. The Government correctly asserts that Musa's remaining challenges are unexhausted, and we decline to address them. *See* 8 U.S.C. § 1252(d)(1); *Carreon v. Garland*, 71 F.4th 247, 257 (5th Cir. 2023).

Musa has failed to establish that no reasonable factfinder could make an adverse credibility determination based on the totality of the circumstances. *See Avelar-Oliva v. Barr*, 954 F.3d 757, 767 (5th Cir. 2020). The adverse credibility finding prevents him from satisfying his burden of demonstrating eligibility for withholding of removal, *see Chun v. INS*, 40 F.3d 76, 79 (5th Cir. 1994), and we need not consider Musa's remaining arguments as to this form of relief, *see INS v. Bagamasbad*, 429 U.S. 24, 25 (1976).

Next, Musa challenges the IJ's denial of CAT relief, arguing that the IJ impermissibly relied on the adverse credibility finding and failed to give sufficient weight to the written statements authored by his family and friends and to his country conditions evidence. He also argues that the IJ erred in determining that his credible evidence undermined his CAT claim. To the extent he argues that the IJ erred in denying CAT relief on the basis that he

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was not credible, his assertion is belied by the record. The IJ did not err by taking into account the adverse credibility determination in analyzing Musa's claim for CAT relief, nor did the IJ err by not giving sufficient weight to the supporting statements the IJ deemed unreliable. *See Arulnanthy*, 17 F.4th at 597-98; *Dayo v. Holder*, 687 F.3d 653, 658-59 (5th Cir. 2012). Additionally, general country conditions evidence typically does not show that one will be singled out for torture, *Qorane v. Barr*, 919 F.3d 904, 911 (5th Cir. 2019), and substantial evidence supports the IJ's determination that Musa's credible evidence undermined his CAT claim, *see Martinez Manzanares v. Barr*, 925 F.3d 222, 228 (5th Cir. 2019); *Chen v. Gonzales*, 470 F.3d 1131, 1134 (5th Cir. 2006).

Lastly, Musa argues for the first time in his reply brief that the IJ violated his due process rights in denying CAT relief by discrediting and not considering his supporting statements. We decline to consider this new argument. *See Bouchikhi v. Holder*, 676 F.3d 173, 179 (5th Cir. 2012). Further, to the extent he reasserts an unexhausted challenge to the IJ's adverse credibility determination, we decline to address the issue given the Government's exhaustion objection. *See Carreon*, 71 F.4th at 257.

Accordingly, the petition for review is DENIED.