

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-12334

Agency No. A95-900-639

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT FEBRUARY 19, 2009 THOMAS K. KAHN CLERK
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GLADYS DE JESUS GOMEZ DE ESCOBAR,

Petitioner,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of a Decision of the
Board of Immigration Appeals

(February 19, 2009)

Before BIRCH, HULL and FAY, Circuit Judges.

PER CURIAM:

This is an appeal from the denial of a petition for the withholding of removal. Accepting the testimony of the petitioner we find that this record compels a finding of past persecution. Adefemi v. Ashcroft, 358 F.3d 828, 837 (11th Cir. 2004). Once past persecution is established, the petitioner is entitled to a rebuttable presumption of future persecution and the burden “then shifts to the government to establish by a preponderance of the evidence either that the country’s conditions have changed, or ‘that the alien could avoid a future threat to his life or freedom by relocating to another part of the proposed country of removal, and [that] it would be reasonable to expect him to do so.’” Sanchez Jimenez v. U.S. Att’y Gen., 492 F.3d 1223, 1238 (11th Cir. 2007) (quoting Mendoza v. U.S. Att’y Gen., 327 F.3d 1283, 1287 (11th Cir. 2003)) (alteration in original).

Therefore, we remand this case to the Board of Immigration Appeals for remand to an Immigration Judge for a supplemental hearing.

Reversed in part and Remanded for a supplemental hearing.

HULL, Circuit Judge, dissenting:

I respectfully dissent because the record, in my view, does not compel a finding of past persecution.