

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-1531

LAYEE MAMDEE SANOE,
Petitioner

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA

On Petition for Review of an Order of the
Board of Immigration Appeals
(Agency No. A094-748-514)
Immigration Judge: Adam Panopoulos

Submitted Pursuant to Third Circuit LAR 34.1(a)
October 1, 2026

Before: KRAUSE, RESTREPO, and PORTER, *Circuit Judges*

(Opinion filed October 8, 2026)

OPINION*

PER CURIAM

Layee Mamadee Sanoe petitions for review of an order of the Board of Immigration Appeals (BIA). For the following reasons, we will deny the petition.

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

Sanoe is a citizen of Liberia. In 2007, he and his family were admitted to the United States as refugees, and he later became a lawful permanent resident. In 2021, Sanoe was convicted in the Delaware County Court of Common Pleas of aggravated assault and sentenced to a maximum of more than a year in prison. *See* 18 Pa. C.S.A. § 2702(a)(4); *see also* *Bovkun v. Ashcroft*, 283 F.3d 166, 170-71 (3d Cir. 2002) (looking to Pennsylvania law in concluding that a sentence of 11 to 23 months qualified as a term of imprisonment of “at least one year”). Sanoe was later charged with removal as an aggravated felon under 8 U.S.C. § 1227. He conceded both the charge and that his offense constituted a “particularly serious crime,” and an immigration judge (IJ) sustained removability. Through counsel, Sanoe applied for deferral of removal under the Convention Against Torture (CAT), *see* 8 C.F.R. § 1208.17, the only relief for which he was eligible in light of his conviction. *See* 8 U.S.C. § 1158(b)(2)(A)(ii), (b)(2)(B)(i).

At a hearing before the IJ, Sanoe testified in support of his CAT claim and presented expert testimony on, *inter alia*, the risks for criminal deportees to Liberia. The IJ denied the CAT claim, determining that what was likely to happen to Sanoe upon his arrival to Liberia did not constitute torture. He also determined that Sanoe was ineligible for refugee adjustment of status, *see* 8 U.S.C. § 1159. On appeal, the Board of Immigration Appeals (BIA) affirmed without opinion. Sanoe, now proceeding *pro se*, filed this petition for review.

We have jurisdiction under 8 U.S.C. § 1252(a)(1) to review a final order of removal. While we generally lack jurisdiction over a petition for review if the alien is removable due to an aggravated felony conviction, *see* 8 U.S.C. § 1252(a)(2)(C), we

retain jurisdiction over colorable constitutional claims and questions of law. *See* 8 U.S.C. § 1252(a)(2)(D); *Royce v. Att’y Gen.*, 693 F.3d 333, 339 (3d Cir. 2012).

Sanoe argues that the BIA violated his due process rights by affirming the IJ’s decision without opinion. *See* Petitioner’s Br. at 8. That argument is foreclosed by *Dia v. Ashcroft*, 353 F.3d 228 (3d Cir. 2003) (en banc), which recognized that the BIA is not constitutionally required to issue an opinion. *Id.* at 240, 243-44. Where, as here, the BIA issues an affirmance without opinion, we review the IJ’s opinion. *Id.* at 240.

To the extent that Sanoe raises issues regarding his adjustment of status, a humanitarian waiver, “[r]efugee protection law,” and extreme hardship, he failed to raise these issues before the BIA. Pursuant to 8 U.S.C. § 1252(d)(1), a petitioner must exhaust all available remedies for each issue raised “in order to preserve [the] right to appellate review of a final order of removal.” *Gomez-Gabriel v. Att’y Gen.*, 146 F.4th 327, 330 (3d Cir. 2025) (per curiam) (citation omitted). Where, as here, the Government properly invokes that exhaustion rule, we enforce it. *See Aguilar v. Att’y Gen.*, 107 F.4th 164, 168-69 (3d Cir. 2024).

Finally, although Sanoe purports to challenge the denial of CAT relief, he does not allege any legal or constitutional error. Our duty to liberally construe pro se pleadings is heightened in immigration cases. *See Higgs v. Att’y Gen.*, 655 F.3d 333, 340 (3d Cir. 2011) (noting that “the intricacy of [the immigration] legal system accentuates the need to liberally construe pro se submissions or immigration petitioners (sic)”). Even so, we agree with the Government that Sanoe does not engage with the IJ’s opinion; he merely cites the standards for obtaining CAT relief and argues the facts of his claim. In any

event, we conclude that the IJ committed no legal or constitutional errors in denying Riley's CAT claim.¹

Based on the foregoing, we will deny the petition for review

¹ In particular, the IJ applied the proper standard in evaluating Sanoe's CAT claim and determining that "he would more likely than not be tortured by anyone" if returned to Liberia. A.R. at 79-80; *see also* A.R. at 65, 74-78; *Sevoian v. Ashcroft*, 290 F.3d 166, 174-75 (3d Cir. 2002). The IJ credited Sanoe's country conditions evidence and expert testimony, in part, finding that, as a criminal deportee, Sanoe is likely to face prolonged detention in Liberia, where he "will likely be exposed to hazards, overcrowding, unsanitary conditions, and possibly . . . violence." A.R. at 73-75. As the IJ noted, however, to establish relief under the CAT, a petitioner must show that the harm was specifically intended to inflict severe pain and suffering. *See* A.R. at 75-76; *see also* *Pierre v. Att'y Gen.*, 528 F.3d 180, 189 (3d Cir. 2008) (en banc) (noting that "for an act to constitute torture, there must be a showing that the actor had the intent to commit the act as well as the intent to achieve the consequences of the act") (citation omitted)). The IJ concluded, consistently with the law, that any suffering Sanoe would face in prison would not rise to the level of torture because it is more probably the result of a lack of resources in Liberia than the product of intent of government officials or the citizenry. A.R. at 75-77; *see Pierre*, 528 F.3d at 189 (en banc) ("The lack of medical care and likely pain that Pierre will experience is an unfortunate but unintended consequence of the poor conditions in the Haitian prisons, which exist because of Haiti's extreme poverty. We find that this unintended consequence is not the type of proscribed purpose contemplated by the CAT.").