

MAY 26 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

| |
|---|
| <p>PREDDI PARHUSIP,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
|---|

No. 06-71165

Agency No. A078-020-445

MEMORANDUM*

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

Submitted May 12, 2009**

Before: PREGERSON, CANBY, and BERZON, Circuit Judges.

Preddi Parhusip, a native and citizen of Indonesia, petitions for review of a Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") decision denying his application for withholding of

* 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).

removal and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992), and deny in part and grant in part the petition for review.

The agency denied Parhusip’s asylum claim as time-barred. Parhusip does not challenge this finding in his opening brief.

The agency failed to address Parhusip’s contention that he suffered past persecution, and his contention that he established a clear probability of persecution because he is a member of a disfavored group. *See Sagaydak v. Gonzales*, 405 F.3d 1035, 1040 (9th Cir. 2005) (“the BIA [is] not free to ignore arguments raised by a petitioner.”); *Wakkary v. Holder*, 558 F.3d 1049, 1068-69 (9th Cir. 2009). We therefore remand for the agency to address Parhusip’s claims in the first instance. *See Sagaydak*, 405 F.3d at 1040; *see also INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam).

Parhusip does not raise any challenge to the IJ’s denial of CAT relief. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996).

**PETITION FOR REVIEW DENIED in part; GRANTED in part;
REMANDED.**