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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIO ROBERTO BORORING,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 06-73888

Agency No. A078-020-218

MEMORANDUM*

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

Submitted July 14, 2009**

Before: SCHROEDER, THOMAS, and WARDLAW, Circuit Judges.

Mario Roberto Bororing, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' order affirming an immigration judge's decision denying his application for asylum, withholding of removal, and

* 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).

protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Sael v. Ashcroft*, 386 F.3d 922, 924 (9th Cir. 2004), and deny the petition for review.

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

Substantial evidence supports the agency’s finding of no past persecution because Bororing testified that neither he nor his family were harmed before they departed Indonesia, *see Hoxha v. Ashcroft*, 319 F.3d 1179, 1182 (9th Cir. 2003), and Bororing did not demonstrate that the deaths of two distant uncles were part of a “pattern of persecution closely tied to” Bororing, *see Wakkary v. Holder*, 558 F.3d 1049, 1060 (9th Cir. 2009). Furthermore, substantial evidence supports the agency’s finding that even if the disfavored group analysis set forth in *Sael* applies to ethnic Indonesian Christians, Bororing has not established a clear probability of future persecution. *See Hoxha*, 319 F.3d at 1184-85. Lastly, the record does not compel the conclusion that Bororing demonstrated a pattern or practice of persecution against Christians in Indonesia. *See Lolong v. Gonzales*, 484 F.3d 1173, 1180-81 (9th Cir. 2007) (en banc). Accordingly, we deny the petition as to withholding of removal.

Substantial evidence also supports the agency's denial of CAT relief because Bororing has not established it is more likely than not that he will be tortured if he returns to Indonesia. *See Singh v. Gonzales*, 439 F.3d 1100, 1113 (9th Cir. 2006).

PETITION FOR REVIEW DENIED.