FILED

SEP 03 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LIZA LAURENSIA LIE; BENNY SUYANTO SUPIT, Petitioners, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 07-70303 Agency Nos. A079-526-200 A079-526-201 MEMORANDUM[*]

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

Submitted August 20, 2009[**]

Before: WALLACE, HAWKINS, and THOMAS, Circuit Judges.

Liza Laurensia Lie, and her husband, both natives and citizens of Indonesia, petition for review of the Board of Immigration Appeals' ("BIA") order dismissing their appeal from an immigration judge's decision denying their application for

---

[*] 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).

JK/Research

withholding of removal and protection under the Convention Against Torture ("CAT"). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Nagoulko v. INS*, 333 F.3d 1012, 1015 (9th Cir. 2003), and we grant in part and deny in part the petition for review.

The agency denied Lie's asylum application as time-barred. Lie does not challenge this finding.

Substantial evidence supports the BIA's conclusion that Lie failed to establish that she suffered past persecution in Indonesia. *See Wakkary v. Holder*, 558 F.3d 1049, 1059-60 (9th Cir. 2009). However, the BIA erred in holding that the disfavored group analysis was inapplicable to Lie's withholding of removal claim, so we remand to the BIA for reconsideration of this claim. *See id.* at 1067; *INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam).

Substantial evidence supports the agency's denial of CAT relief because Lie failed to establish a likelihood of torture in Indonesia. *See Wakkary*, 558 F.3d at 1068.

Each party shall bear its own costs for this petition for review.

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