

NOV 02 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ANDRE CHANDRA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>
--

No. 07-70631

Agency No. A095-629-995

MEMORANDUM\*

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

Submitted October 13, 2009\*\*

Before: B. FLETCHER, LEAVY, and RYMER, Circuit Judges.

Andre Chandra, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's ("IJ") decision denying his application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial

---

\* 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).

evidence, *Rostomian v. INS*, 210 F.3d 1088, 1089 (9th Cir. 2000), and we deny the petition for review.

The record does not compel the conclusion that changed or extraordinary circumstances excused the untimely filing of Chandra's asylum application. *See* 8 C.F.R. § 1208.4 (a)(4), (5); *Ramadan v. Gonzales*, 479 F.3d 646, 656-58 (9th Cir. 2007) (per curiam).

With regard to withholding of removal, we do not address the IJ's past persecution finding because the IJ also found that, even assuming past persecution, changed country conditions in Indonesia rebutted Chandra's presumption of a clear probability of future persecution. Because Chandra's counsel, Edward Weisz, neglected to challenge this alternative dispositive determination in his opening brief, we do not address this issue. *See Martinez-Serrano v. Ashcroft*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in opening brief are waived).

**PETITION FOR REVIEW DENIED.**