

FEB 23 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NORMAN DJUANA,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-73255

Agency No. A079-566-536

MEMORANDUM\*

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

Submitted February 16, 2010\*\*

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Norman Djuana, native and citizen of Indonesia, petitions for review of a Board of Immigration Appeals' ("BIA") denial of his motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review the BIA's decision on a motion to

---

\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

reopen for abuse of discretion. *Membreno v. Gonzales*, 425 F.3d 1227, 1229 (9th Cir. 2005) (en banc). We deny the petition for review.

The BIA did not abuse its discretion in concluding that the new evidence Djuana submitted did not show prima facie eligibility for relief because the evidence only established there was on-going general strife in Indonesia and did not show any individualized risk to Djuana. *See Konstantinova v. INS*, 195 F.3d 528, 530 (9th Cir. 1999).

We reject Djuana's contention that the BIA used the wrong standard in denying his motion to reopen, and we reject his contention that the BIA required him to submit affidavits.

**PETITION FOR REVIEW DENIED.**