

MAR 25 2010

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RADI MARTA BASRI,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-72524

Agency No. A096-495-164

MEMORANDUM*

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

Submitted March 16, 2010**

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Radi Marta Basri, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum, 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 concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence factual findings, *Wakkary v. Holder*, 558 F.3d 1049, 1056 (9th Cir. 2009), and we deny the petition for review.

The agency denied Basri’s asylum application as time-barred. Basri does not challenge this finding in his opening brief. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued are waived). Accordingly, we deny the petition as to Basri’s asylum claim.

Substantial evidence supports the agency’s denial of Basri’s withholding of removal claim based on changed circumstances in Indonesia in light of the Indonesian government’s grant of amnesty to members of the Free Aceh Movement. *See Sowe v. Mukasey*, 538 F.3d 1281, 1285-88 (9th Cir. 2008).

Substantial evidence also supports the agency’s denial of CAT relief because Basri did not demonstrate it is more likely than not he would be tortured by government officials, or with their acquiescence, if returned to Indonesia. *See id.* at 1288-89.

PETITION FOR REVIEW DENIED.