

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 18 2010

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

ATE ARMAN,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-71553

Agency No. A095-629-982

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.

Ate Arman, 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 withholding of removal and protection

* 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).

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.

Substantial evidence supports the agency’s finding that Arman did not suffer harm rising to the level of past persecution, and Arman cannot show that any harm to his wife constituted “a pattern of persecution closely tied to” Arman himself. *See id.* at 1060 (internal quotation omitted). Moreover, substantial evidence supports the agency’s finding that Arman failed to establish a clear probability of future persecution, because he was unable to demonstrate a sufficiently individualized risk of harm based upon his or his wife’s experiences in Indonesia. *See Hoxha v. Ashcroft*, 319 F.3d 1179, 1184-85 (9th Cir. 2003). Accordingly, we deny the petition as to Arman’s withholding of removal claim.

Substantial evidence also supports the agency’s denial of CAT relief because Arman did not demonstrate that it is more likely than not he would be tortured by government officials, or with their acquiescence, if returned to Indonesia. *See Wakkary*, 558 F.3d at 1067-68.

PETITION FOR REVIEW DENIED.

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PREGERSON, Circuit Judge, dissenting:

I would grant the petition for review.