

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 08 2010

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

ESTHER MEGAWATI,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 05-73410

Agency No. A095-446-956

MEMORANDUM*

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

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Esther Megawati, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying her application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for

* 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).

substantial evidence, *Wakkary v. Holder*, 558 F.3d 1049, 1056 (9th Cir. 2009), and we deny the petition for review.

Substantial evidence supports the agency's determination that the harms Megawati witnessed and her fear during the anti-Chinese riots and the November 1998 incident, even considered cumulatively, did not rise to the level of persecution. *See id.* at 1059-60. Substantial evidence also supports the agency's finding that Megawati does not have a well-founded fear of future persecution because, even as a member of a disfavored group, Megawati failed to demonstrate the requisite individualized risk of persecution. *See Lolong v. Gonzales*, 484 F.3d 1173, 1180-81 (9th Cir. 2007) (en banc) (objective well-founded fear not established because applicant made a general, undifferentiated claim). In addition, the record does not compel the conclusion that Megawati established a pattern or practice of persecution of Chinese Christians in Indonesia. *See Wakkary*, 558 F.3d at 1060-62.

Because Megawati failed to establish eligibility for asylum, it necessarily follows that she cannot meet the more stringent standard for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

PETITION FOR REVIEW DENIED.