

OCT 25 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SEPTANTHO FLORIBERTUS; et al.,</p> <p style="text-align: center;">Petitioners,</p> <p>v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 08-71334

Agency Nos. A097-618-188
A097-618-190
A097-618-191

MEMORANDUM*

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

Submitted October 19, 2010**

Before: O’SCANNLAIN, TALLMAN, and BEA, Circuit Judges.

Septantho Floribertus and his family, natives and citizens of Indonesia, petition for review of the Board of Immigration Appeals’ (“BIA”) order dismissing their appeal from an immigration judge’s (“IJ”) decision denying Floribertus’ application for asylum, withholding of removal, and relief under the Convention

* 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).

Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law and review for substantial evidence factual findings. *Santos-Lemus v. Mukasey*, 542 F.3d 738, 742 (9th Cir. 2008). We deny the petition for review.

Contrary to petitioners’ assertion that the BIA did not affirm the IJ’s adverse credibility determination, the BIA affirmed the IJ’s decision “based upon and for the reasons set forth therein” and specifically found no clear error in the IJ’s adverse credibility determination. *See Molina-Estrada v. INS*, 293 F.3d 1089, 1093 (9th Cir. 2002). In their opening brief, petitioners fail to raise any challenge to the agency’s adverse credibility determination, which is dispositive of Floribertus’ asylum, withholding of removal, and CAT claims. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259 (9th Cir. 1996) (issues not supported by argument are deemed abandoned).

Petitioners’ counsel is advised that the opening brief falls below the court’s standards.

PETITION FOR REVIEW DENIED.