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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SIANG PIOW LIU,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 06-73831

Agency No. A028-525-886

MEMORANDUM\*

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

Argued and Submitted October 4, 2010

Pasadena, California

Before: WARDLAW and W. FLETCHER, Circuit Judges, and  
TIMLIN, Senior District Judge.\*\*

Liu Siang Piow, a native and citizen of Malaysia, petitions for review of the Board of Immigration Appeals' decision finding his asylum application time-barred and denying withholding of removal. We deny the petition for review.

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

\*\* The Honorable Robert J. Timlin, United States District Judge for the Central District of California, sitting by designation.

We lack jurisdiction to review the BIA's decision that an asylum application is untimely and not excused by changed circumstances unless the facts underlying the alleged change in circumstances are undisputed. 8 U.S.C. § 1158(a)(3); *Ramadan v. Gonzales*, 479 F.3d 646, 650 (9th Cir. 2007) (citing 8 U.S.C. § 1252(a)(2)). Liu alleged that the Malaysian government's monitoring of his internet activism constituted a changed circumstance. The immigration judge and the BIA did not credit Liu's testimony that any Malaysian agent monitored his postings. Therefore, the facts underlying the changed circumstances are disputed, and we must dismiss for lack of jurisdiction.

We deny the petition to review the BIA's decision denying withholding of removal. Substantial evidence supported the BIA's determination that Liu's testimony was not credible and that he did not establish that the Malaysian government was aware of his postings. Accordingly, Liu has failed to show that it is more likely than not that he will be persecuted based on his online postings.

The petition is **DISMISSED in part and DENIED in part.**