

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANJAR NAPITUPULU,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-75088

Agency No. A093-321-651

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and W. FLETCHER, Circuit Judges.

Anjar Napitupulu, 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 removal, and relief under the Convention Against Torture ("CAT"). We have

* 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).

jurisdiction under 8 U.S.C. § 1252. “We review findings of fact for substantial evidence and questions of law de novo.” *Cortez-Pineda v. Holder*, 610 F.3d 1118, 1121 (9th Cir. 2010). We deny the petition for review.

The record does not compel the conclusion that Napitupulu filed his asylum application within a reasonable period of time after any potential extraordinary or changed circumstance excusing the delay. *See* 8 U.S.C. § 1158(a)(2)(B), (D); *Husyev v. Mukasey*, 528 F.3d 1172, 1181 (9th Cir. 2008). Accordingly, we deny the petition as to his asylum claim.

Napitupulu does not contend that he suffered past persecution, but argues that he will suffer harm in the future on account of his Christianity. Substantial evidence supports the denial of Napitupulu’s claim for withholding of removal because he has not shown that he faces an individualized risk of persecution. *See Lolong v. Gonzales*, 484 F.3d 1173, 1181 (9th Cir. 2007) (en banc); *cf. also Wakkary v. Holder*, 558 F.3d 1049, 1065–66 (9th Cir. 2009) (“An applicant for withholding of removal will need to adduce a considerably larger quantum of individualized-risk evidence to prevail than would an asylum applicant like Sael, assuming their disfavored group evidence is of equal severity and pervasiveness, because the ultimate bar for withholding is higher than the bar for asylum.”).

Substantial evidence also supports the determination that Napitupulu failed

to establish that he would more likely than not be tortured by or with the acquiescence of government officials if returned to Indonesia. *See Wakkary*, 558 F.3d at 1068. We therefore deny the petition as to his CAT claim.

PETITION FOR REVIEW DENIED.