

DEC 27 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

IRMA IYANAH MOERAD,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-75138

Agency No. A096-071-482

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.

Irma Iyanah Moerad, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's decision denying her 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.

Substantial evidence supports the BIA’s determination that even if Moerad were eligible for asylum, she did not suffer past persecution, *see Hoxha v. Ashcroft*, 319 F.3d 1179, 1182 (9th Cir. 2003), and did not demonstrate an individualized risk of future persecution as a member of a disfavored group, *cf. Sael v. Ashcroft*, 386 F.3d 922, 927–28 (9th Cir. 2004). Accordingly, we deny the petition as to Moerad’s asylum claim.

Because Moerad failed to establish eligibility for asylum, she necessarily cannot demonstrate eligibility for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

Finally, substantial evidence also supports the determination that Moerad failed to establish that she would more likely than not be tortured by or with the acquiescence of government officials if returned to Indonesia. *See Wakkary v. Holder*, 558 F.3d 1049, 1068 (9th Cir. 2009). We therefore deny the petition as to her CAT claim.

PETITION FOR REVIEW DENIED.