

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JACKWYNSK J. POSUMAH; et al.,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-70093

Agency Nos.      A096-055-179  
                              A096-055-180  
                              A096-055-181  
                              A096-055-182

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.

Jackwynsk J. Posumah 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 decision denying Posumah's application for asylum, withholding of removal, and relief under the Convention Against

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\* 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).

Torture (“CAT”), along with his family’s derivative asylum claims. We have 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 Posumah neither suffered past persecution, *see Hoxha v. Ashcroft*, 319 F.3d 1179, 1182 (9th Cir. 2003) (“The unfulfilled threats . . . constitute harassment rather than persecution.”), nor has a well-founded fear of future persecution, *see* 8 C.F.R. § 1208.13(b)(3)(i) (“In cases in which the applicant has not established past persecution, the applicant shall bear the burden of establishing that it would not be reasonable for him or her to relocate . . .”). Accordingly, we deny the petitioners’ asylum claims.

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

Substantial evidence also supports the determination that Posumah 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 v. Holder*, 558 F.3d 1049, 1068 (9th Cir. 2009). We therefore deny the petition as to his CAT claim.

**PETITION FOR REVIEW DENIED.**