

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DEDDY SUNARYO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-70505

Agency No. A078-020-357

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and THOMAS, Circuit Judges.

Deddy Sunaryo, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's ("IJ") decision denying his application for withholding of removal. We

* 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).

have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Wakkary v. Holder*, 558 F.3d 1049, 1056 (9th Cir. 2009), and we deny the petition for review.

Sunaryo does not challenge the agency's denial of his asylum application as time-barred, the agency's conclusion that he did not establish past persecution, and the agency's denial of his application for relief under the Convention Against Torture. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in a party's opening brief are waived).

The IJ determined Sunaryo did not establish a clear probability of persecution because Sunaryo's difficulties with the father of a female Muslim student were more of a personal problem, Sunaryo was robbed once, but not otherwise personally threatened on account of his ethnicity, and the cause of the motorcycle incident was unclear. Substantial evidence supports the IJ's finding that Sunaryo failed to establish a clear probability of persecution because, even as a member of a disfavored group, Sunaryo did not demonstrate the requisite individualized risk of persecution. *See Hoxha v. Ashcroft*, 319 F.3d 1179, 1184-85 (9th Cir. 2003) (holding evidence did not compel a finding of a clear probability of future persecution); *see also Wakkary*, 558 F.3d at 1066 ("An applicant for withholding of removal will need to adduce a considerably larger quantum of

individualized-risk evidence to prevail [.]”). Additionally, the record does not compel the conclusion that Sunaryo established a pattern and practice claim. *See Wakkary*, 558 F.3d at 1061-62. Accordingly, Sunaryo’s claim for withholding of removal fails.

PETITION FOR REVIEW DENIED.