

JAN 21 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

YODI HILCO BALTI HULISELIAN,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-71878

Agency No. A095-634-524

MEMORANDUM*

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

Submitted January 10, 2011**

Before: BEEZER, TALLMAN, and CALLAHAN, Circuit Judges.

Yodi Hilco Balti Huliselian, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' ("BIA") 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").

* 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).

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

The BIA denied Huliselian's asylum claim as time-barred. Huliselian does not challenge this finding in his opening brief.

Substantial evidence supports the BIA's determination that Huliselian failed to demonstrate it is more likely than not he will be persecuted based on the harms inflicted upon his uncles. *See Arriaga-Barrientos v. INS*, 937 F.2d 411, 414 (9th Cir. 1991) (requiring "pattern of persecution closely tied to the petitioner" where violence against family members is basis of claim). Accordingly, Huliselian's withholding of removal claim fails.

Substantial evidence also supports the BIA's denial of Huliselian's CAT claim because he failed to establish it is more likely than not he would be tortured if returned to Indonesia. *See Wakkary*, 558 F.3d at 1068.

PETITION FOR REVIEW DENIED.