

JUN 29 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BOY FRANCY TENDEAN, a.k.a. Boy
Francy Tedeau; et al.,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-73161

Agency Nos. A095-629-951
A097-105-271
A097-105-272

MEMORANDUM*

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

Submitted June 15, 2011**

Before: CANBY, O'SCANNLAIN, and FISHER, Circuit Judges.

Boy Francy Tedeau and his family, natives and citizens of Indonesia,
petition for review of the Board of Immigration Appeals' order dismissing their
appeal from an immigration judge's decision denying their application for asylum,

* 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).

withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings, *Wakkary v. Holder*, 558 F.3d 1049, 1056 (9th Cir. 2009), and we deny the petition for review.

Petitioners do not challenge the agency’s determinations that their asylum application was untimely, that they did not meet their burden of establishing past persecution, and that they are ineligible for CAT relief. *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).

Substantial evidence supports the agency’s finding that petitioners have not established a clear probability of persecution. *See Wakkary*, 558 F.3d at 1066 (“An applicant for withholding of removal will need to adduce a considerably larger quantum of individualized-risk evidence.”). Further, the record does not compel the conclusion that there is a pattern or practice of persecution against Christians in Indonesia. *See id.* at 1060-62. Accordingly, petitioners’ withholding of removal claim fails.

PETITION FOR REVIEW DENIED.