

SEP 07 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SATYA CHUM,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-71441

Agency No. A079-609-697

MEMORANDUM*

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

Submitted August 31, 2012**
Seattle, Washington

Before: SCHROEDER and GOULD, Circuit Judges, and RAKOFF, Senior District
Judge.***

* 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).

*** The Honorable Jed S. Rakoff, Senior United States District Judge for
the Southern District of New York, sitting by designation.

Satya Chum, a citizen and native of Cambodia, seeks review of the Board of Immigration Appeals' ("BIA") rejection of his asylum, withholding of removal, and Convention Against Torture relief claims.

The BIA did not err in denying asylum because Chum's application was time-barred. 8 U.S.C. § 1158(a)(2)(B). The circumstances to which Chum points, such as the dissolution of his marriage and maintenance of lawful status, do not excuse his untimeliness because he did not file within a "reasonable period" after these circumstances ended. 8 C.F.R. § 208.4(a)(5)(iv); *see Wakkary v. Holder*, 558 F.3d 1049, 1057–58 (9th Cir. 2009).

Substantial evidence supports the BIA's determination that Chum had not shown he would more likely than not be subject to persecution or torture upon his return to Cambodia. In the past he had faced only one unfulfilled threat without accompanying harassment, economic harm, or menacing follow-ups. *See Lim v. I.N.S.*, 224 F.3d 929, 936 (9th Cir. 2000). The record demonstrates that his involvement in the Sam Rainsy Party was far less than that of individuals who were targeted for persecution or torture.

This court lacks jurisdiction to review denials of voluntary departure. 8 U.S.C. § 1229c(f); *Garcia v. Ashcroft*, 368 F.3d 1157, 1159 (9th Cir. 2004).

The petition for review is **DENIED**.