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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

YANSEN DERYAWAN,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-70360

Agency No. A099-736-271

MEMORANDUM*

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

Submitted June 7, 2013**
Pasadena, California

Before: GOULD and N.R. SMITH, Circuit Judges, and DU, District Judge.***

Yansen Deryawan, a native and citizen of Indonesia, seeks review of the decision of the Board of Immigration Appeals' (BIA) affirming an Immigration

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 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 Miranda Du, District Judge for the U.S. District Court for the District of Nevada, sitting by designation.

Judge's (IJ) denial of his claims for asylum, withholding of removal, and relief under the Convention Against Torture. We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition for review.

Substantial evidence supports the BIA's finding that Deryawan did not suffer past persecution. Although Deryawan and his family were victims of repeated discrimination and harassment on account of their Christian faith and Chinese ethnicity, these experiences, considered individually or cumulatively, do not compel the conclusion that Deryawan suffered past persecution. *Halim v. Holder*, 590 F.3d 971, 975–76 (9th Cir. 2009); *Wakkary v. Holder*, 558 F.3d 1049, 1059–60 (9th Cir. 2009).

Substantial evidence supports the BIA's finding that Deryawan did not show a well-founded fear of future persecution. Deryawan's claim that he fears future persecution is undercut by his family's continued residence in Indonesia without harm and by his initial plan to return to Indonesia. *Sinha v. Holder*, 564 F.3d 1015, 1022 (9th Cir. 2009); *Loho v. Mukasey*, 531 F.3d 1016, 1017–18 (9th Cir. 2008). Deryawan is also not entitled to relief under a disfavored group analysis because he has not made a sufficient showing of individualized risk. *Halim*, 590 F.3d at 979.

Similarly, Deryawan did provide sufficient evidence to compel the

conclusion that he is likely to be tortured upon his return to Indonesia. *Wakkary*, 558 F.3d at 1068.

We also deny Deryawan's claim that he is entitled to relief because the IJ violated his due-process rights. Because "the factual record adequately supports the denial of [Deryawan's] application for relief, we cannot find that the alleged bias held by the IJ was the basis for the denial of the application." *Vargas-Hernandez v. Gonzales*, 497 F.3d 919, 926 (9th Cir. 2007).

DENIED.