

SEP 30 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>LENY ANDRIANI,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 12-70258

Agency No. A088-124-283

MEMORANDUM*

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

Submitted September 24, 2013**

Before: RAWLINSON, N.R. SMITH, and CHRISTEN, Circuit Judges.

Leny Andriani, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals’ order dismissing her appeal from an immigration judge’s decision denying her application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction under

* 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).

8 U.S.C. § 1252. We review for substantial evidence factual findings, *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006), and we deny the petition for review.

Andriani testified that her family's store was looted and burned during the May 1998 riots, that she was robbed twice, and that her sister was robbed. Substantial evidence supports the agency's finding that Andriani did not suffer harm rising to the level of past persecution. *See Halim v. Holder*, 590 F.3d 971, 975-76 (9th Cir. 2009) (no past persecution where petitioner was stripped naked, spat on, detained for a couple of days, and beaten by a mob); *Wakkary v. Holder*, 558 F.3d 1049, 1059-60 (9th Cir. 2009) (no past persecution where petitioner was "beaten by youths and robbed of his sandals and pocket money" years before applying for asylum). Substantial evidence also supports the agency's finding that, even as a member of a disfavored group, Andriani has not established a well-founded fear of future persecution because she has not demonstrated sufficient individualized risk. *See Halim*, 590 F.3d at 979. Accordingly, Andriani's asylum claim fails.

Because Andriani failed to meet the lower burden of proof for asylum, it follows that she has not met the higher standard for withholding of removal. *See Zehatye*, 453 F.3d at 1190.

Finally, substantial evidence supports the agency's denial of CAT relief because Andriani failed to establish it is more likely than not that she will be tortured if returned to Indonesia. *See Wakkary*, 558 F.3d at 1067-68.

PETITION FOR REVIEW DENIED.