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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>VIVIN TJHIA,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 11-72551

Agency No. A089-879-345

MEMORANDUM*

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

Submitted November 19, 2013**

Before: CANBY, TROTT, and THOMAS, Circuit Judges.

Vivin Tjhia, 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 withholding of removal and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8

* 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).

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

Substantial evidence supports the agency’s finding that Tjhia did not suffer harm rising to the level of persecution. *See id.* at 1059 (concluding petitioner failed to establish past persecution where he was beaten, robbed of pocket money, and accosted by a threatening mob). Substantial evidence also supports the agency’s finding that, even under a disfavored group analysis, Tjhia failed to establish it is more likely than not she would be persecuted as a Chinese Christian Indonesian because she did not present sufficient evidence of an individualized risk. *See id.* at 1066 (a petitioner seeking withholding of removal will “need to adduce a considerably larger quantum of individualized-risk evidence” than an applicant for asylum). Accordingly, Tjhia’s withholding of removal claim fails. In light of our conclusion, we decline Tjhia’s request to remand for the agency to consider *Tampubolon v. Holder*, 610 F.3d 1059 (9th Cir. 2010).

Finally, substantial evidence also supports the agency’s denial of CAT relief because Tjhia failed to establish it is more likely than not she will be tortured by or with the acquiescence of the government of Indonesia. *See Silaya v. Mukasey*, 524 F.3d 1066, 1073 (9th Cir. 2008).

PETITION FOR REVIEW DENIED.