

DEC 19 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALIPATE RAVATUNAWA
RATUKALOU; ORIPA SAURARA
RATUKALOU,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-73739

Agency Nos. A087-059-084
 A087-059-083

MEMORANDUM*

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

Submitted December 17, 2013**

Before: GOODWIN, WALLACE, and GRABER, Circuit Judges.

Alipate Ravatunawa Ratukalou and Oripa Saurara Ratukalou, natives and citizens of Fiji, petition for review of the Board of Immigration Appeals’ (“BIA”) order dismissing their appeal from an immigration judge’s (“IJ”) decision denying

* 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).

their application for asylum. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings. *Tamang v. Holder*, 598 F.3d 1083, 1088 (9th Cir. 2010). We deny the petition for review.

The record does not compel the finding that petitioners established changed or extraordinary circumstances to excuse their untimely asylum application. *See* 8 C.F.R. § 208.4(a)(4), (5); *Tamang*, 598 F.3d at 1089-90 (setting forth requirements for an ineffective assistance of counsel claim). Accordingly, petitioners' asylum claim fails.

The BIA found petitioners did not appeal the IJ's denial of withholding of removal. Petitioners do not challenge this finding. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues which are not specifically raised and argued are deemed waived).

PETITION FOR REVIEW DENIED.