

MAR 21 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NAFI TAMAMI,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-72881

Agency No. A098-263-597

MEMORANDUM*

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

Submitted March 6, 2012**

Before: B. FLETCHER, REINHARDT, and TASHIMA, Circuit Judges.

Nafi Tamami, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for withholding of removal and protection 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 the agency's factual findings, and we review de novo the agency's legal determinations. *Wakkary v. Holder*, 558 F.3d 1049, 1056 (9th Cir. 2009). We deny the petition for review.

Substantial evidence supports the agency's denial of withholding of removal because Tamami's experiences in Indonesia do not rise to the level of persecution. *See id.* at 1059-60 (concluding petitioner experienced discriminatory mistreatment). In addition, the record does not compel that Tamami will be individually targeted for persecution, *see Kohli v. Gonzales*, 473 F.3d 1061, 1071 (9th Cir. 2007), and he failed to establish there is a pattern or practice of persecution against moderate Muslims in Indonesia, *see Wakkary*, 558 F.3d at 1061.

Finally, substantial evidence supports the agency's denial of CAT relief because Tamami failed to show it is more likely than not he will be tortured with the consent or acquiescence of the government if returned to Indonesia. *See Wakkary*, 558 F.3d at 1067-68.

PETITION FOR REVIEW DENIED.