

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 01 2008

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

MICHAEL SISWANTO,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 05-74809

Agency No. A78-019-887

MEMORANDUM\*

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

Submitted July 22, 2008\*\*

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges.

Michael Siswanto, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an

---

\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

immigration judge's decision denying his application for withholding of removal, and denying his motion to remand. We have jurisdiction under 8 U.S.C. § 1252. We review the agency's denial of withholding of removal for substantial evidence and will uphold the agency's decision unless the evidence compels a contrary conclusion. *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992). We review de novo due process challenges to immigration decisions. *Padilla v. Ashcroft*, 334 F.3d 921, 923 (9th Cir. 2003). We deny the petition for review.

Even if the disfavored group analysis set forth in *Sael v. Ashcroft*, 386 F.3d 922, 927 (9th Cir. 2004), applies in the context of withholding of removal, Siswanto has failed to establish the requisite individualized risk necessary to compel a finding of a clear probability of future persecution. *See Hoxha v. Ashcroft*, 319 F.3d 1179, 1184-85 (9th Cir. 2003). Accordingly, we deny the petition with respect to the withholding of removal claim.

We deny Siswanto's due process claim challenging the BIA's summary denial of his motion to remand because the BIA rendered a reasoned decision and Siswanto failed to demonstrate prejudice. *See Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000).

**PETITION FOR REVIEW DENIED.**