

JAN 18 2008

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

ANDREAS TORRY GUNTORO,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 04-74378

Agency No. A95-562-940

MEMORANDUM\*

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

Submitted January 14, 2008\*\*

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Andreas Torry Guntoro, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' ("BIA") decision adopting and affirming an Immigration Judge's ("IJ") denial of his application for asylum,

---

\* 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).

withholding of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for substantial evidence, *see Nagoulko v. INS*, 333 F.3d 1012, 1015 (9th Cir. 2003), and we deny the petition.

The record does not compel the conclusion that Guntoro’s untimely filing of his asylum application should be excused. *See* 8 C.F.R. § 208.4(a)(5).

Accordingly, we deny the petition as to his asylum claim.

With regard to Guntoro’s claim for withholding of removal, substantial evidence supports the IJ’s finding that he has not demonstrated a clear probability of future persecution. *See Nagoulko*, 333 F.3d at 1016-18 (holding that teasing, harassment, and threats did not rise to the level of persecution); *Lolong v. Gonzales*, 484 F.3d 1173, 1179-81 (9th Cir. 2007) (en banc) (holding that petitioner failed to demonstrate either an individualized risk of persecution or the existence of a pattern and practice of persecution).

Substantial evidence also supports the IJ’s denial of CAT relief because Guntoro did not show that it is more likely than not that he would be tortured if returned to Indonesia. *See Singh v. Gonzales*, 439 F.3d 1100, 1113 (9th Cir. 2006).

Finally, we deny Guntoro’s request for remand. If Guntoro wants the IJ to review additional evidence regarding current conditions in Indonesia, he should

file a motion to reopen with the BIA. *See* 8 C.F.R. § 1003.2(c); *Malty v. Ashcroft*, 381 F.3d 942, 944-47 (9th Cir. 2004).

**PETITION FOR REVIEW DENIED.**