

MAR 26 2008

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

NOT FOR PUBLICATION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

SISCA MANEMBU,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 04-75529

Agency No. A79-195-229

MEMORANDUM*

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

Submitted March 18, 2008**

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Sisca Manembu, a native and citizen of Indonesia, petitions pro se for review of a Board of Immigration Appeals' order dismissing her 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).

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immigration judge's ("IJ") decision denying her claims for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss in part, and deny in part.

We lack jurisdiction to review the IJ's determination that Manembu's asylum application was untimely. *See* 8 U.S.C. § 1158(a)(3); *Ramadan v. Gonzales*, 479 F.3d 646, 650 (9th Cir. 2007) (per curiam).

Even assuming Manembu is credible, substantial evidence supports the IJ's denial of withholding of removal, because the record does not compel a finding that it is more likely than not that Manembu will be persecuted if she returns to Indonesia. *See Hakeem v. INS*, 273 F.3d 812, 816-17 (9th Cir. 2001).

Substantial evidence further supports the denial of CAT relief, because Manembu did not show it is more likely than not that she will be tortured if she returns to Indonesia. *See Malhi v. INS*, 336 F.3d 989, 993 (9th Cir. 2003).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.