

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 31 2008

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

ALBERTO HINDARSIN,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 05-70457

Agency No. A96-105-861

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.

Alberto Hindarsin, a native and citizen of Indonesia, petitions pro se for review of the Board of Immigration Appeals' 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 ("IJ") denying his application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review 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 deny the petition for review.

The record does not compel the conclusion that Hindarsin's asylum application was timely filed or that the untimely filing of the asylum application should be excused. *See* 8 C.F.R. § 1208.4(a)(5); *Ramadan v. Gonzales*, 479 F.3d 646, 648, 657-58 (9th Cir. 2007) (per curiam).

In addition, substantial evidence supports the IJ's finding that Hindarsin failed to establish a clear probability of persecution on account of his Christian religion because his mother, an active church member, and his sister, a church member and full-time employee of the church, have continued to live in Indonesia openly practicing their religion for eight years without incident. *See Hakeem v. INS*, 273 F.3d 812, 816 (9th Cir. 2001). Therefore, we deny Hindarsin's withholding of removal claim. *See id.*

PETITION FOR REVIEW DENIED.