

NOT FOR PUBLICATION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

FREDDY FERDINAND
MEWENGGANG,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 05-70492

Agency No. A95-878-071

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.

Freddy Ferdinand Mewenggang, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from

* 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).

an immigration judge's decision denying his applications for asylum, and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review the BIA's denial of asylum for substantial evidence, *Nagoulko v. INS*, 333 F.3d 1012, 1015 (9th Cir. 2003), and deny the petition for review.

Mewengkang's testimony about his experiences in Indonesia does not compel a finding of past persecution. *See id.* at 1016-18. Even assuming the disfavored group analysis set forth in *Sael v. Ashcroft*, 386 F.3d 922 (9th Cir. 2004) applies to Christians, Mewengkang has not demonstrated the requisite level of individualized risk necessary to compel a finding of a well-founded fear of future persecution. *See id.* at 927-29. Lastly, the record does not establish that Mewengkang demonstrated a pattern or practice of persecution. *See Lolong v. Gonzales*, 484 F.3d 1173, 1181 (9th Cir. 2007) (en banc). Accordingly, Mewengkang's asylum claim fails.

Because Mewengkang cannot meet his burden to demonstrate eligibility for asylum, he necessarily fails to meet the more stringent standard for withholding of removal. *See Mansour v. Ashcroft*, 390 F.3d 667, 673 (9th Cir. 2004).

PETITION FOR REVIEW DENIED.