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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HENDRIK MARKUS HAGAKORE,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 05-72957

Agency No. A78-020-420

MEMORANDUM\*

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

Submitted August 26, 2008\*\*

Before: SCHROEDER, KLEINFELD, and IKUTA, Circuit Judges.

Hendrik Markus Hagakore, native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for asylum,

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\* 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 protection under the Convention Against Torture ("CAT"). We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for substantial evidence, *Lolong v. Gonzales*, 484 F.3d 1173, 1178 (9th Cir. 2007) (en banc), and we deny the petition for review.

The record does not compel the conclusion that Hagakore demonstrated that he qualifies for an exception to excuse his untimely asylum application. *See* 8 C.F.R. § 208.4(a); *Ramadan v. Gonzales*, 479 F.3d 646, 657-58 (9th Cir. 2007). As a result, Hagakore is not eligible for asylum.

Substantial evidence supports the BIA's denial of withholding of removal because Hagakore failed to establish that he suffered harm based on a protected ground. *See Gormley v. Ashcroft*, 364 F.3d 1172, 1177 (9th Cir. 2004) (holding that random acts of violence bore no nexus to race). Further, substantial evidence supports the BIA's conclusion that Hagakore failed to establish a clear probability of harm in Indonesia. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006). Finally, the record does not compel the conclusion that Hagakore has a well-founded fear of persecution based on a pattern and practice of persecution of Christians in Indonesia. *See Lolong*, 484 F.3d at 1180-81.

In his opening brief, Hagakore fails to address, and therefore has waived, any challenge to the agency's determination that he is ineligible for CAT relief.

*See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996).

**PETITION FOR REVIEW DENIED.**