

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-2682

DJONI CHAIDIR,
Petitioner
vs.

ATTORNEY GENERAL OF THE UNITED STATES,
Respondent

ON PETITION FOR REVIEW OF AN ORDER
DATED APRIL 17, 2006 OF THE BOARD OF
IMMIGRATION APPEALS
(BIA No. A96-203-997)
Immigration Judge: Charles M. Honeyman

Submitted Under Third Circuit L.A.R. 34.1(a)
September 18, 2007
Before: SLOVITER, SMITH and WEIS, Circuit Judges.
(Filed September 24, 2007)

OPINION

WEIS, Circuit Judge.

Petitioner is a native and citizen of Indonesia and an ethnic Chinese Buddhist. He overstayed his authorization to remain in the United States on a non-

immigrant visa. He sought asylum, withholding of removal, and relief under the Convention Against Torture.

The IJ and the BIA found the request for asylum untimely and held that petitioner did not show extraordinary circumstances or changed circumstances that excused the delay. We lack jurisdiction to review that finding because it does not present a constitutional claim or a question of law. See Jarbough v. Attorney General, 483 F.3d 184, 188-89 (3d Cir. 2007) (citing 8 U.S.C. § 1252(a)(2)(D)).

The IJ and BIA also found that petitioner had not suffered past persecution or shown a clear probability of future persecution or a likelihood that he would be tortured if he returned to Indonesia.

Petitioner testified that he had a motorcycle helmet manufacturing business that went bankrupt as a result of economic conditions following the May 1998 riots in Indonesia. The business, however, was not physically damaged during the riots. Petitioner did not provide any evidence that he was personally harassed or subjected to instances of discrimination or violence while he was in Indonesia.

Petitioner also testified that his parents and two siblings remained in Indonesia with little trouble. His parents continue to operate separate businesses. Petitioner described only one incident where his mother was punched after an altercation with a clothes salesperson, which he speculated may have been motivated by race.

In sum, petitioner has not provided any evidence of past persecution or a likelihood of future persecution or torture. Our review of the record persuades us that the IJ and the BIA did not err in ordering the petitioner's removal.

Accordingly, the petition for review will be denied.