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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SEAD KUCALOVIC; AZRA KUCALOVIC; LEJLA KUCALOVIC,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 08-70461

Agency Nos. A098-829-542
A098-829-543
A098-829-544

MEMORANDUM*

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

Submitted July 8, 2009**
Seattle, Washington

Before: O’SCANNLAIN, KLEINFELD, and BERZON, Circuit Judges.

The record does not compel the conclusion that Kucalovic testified credibly.

See Malkandi v. Mukasey, 544 F.3d 1029, 1040 (9th Cir. 2008). Kucalovic did not disclose his sister, who has lived in Tuzla without any problems, nor his own

* 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).

residence in Tuzla, as reported by his daughter's birth certificate. Kucalovic's testimony regarding his parents conflicted with what they wrote. His returning to Bosnia after spending six months in the United States without applying for asylum, and remaining in Celic for nine months after allegedly finding mines on his property and receiving death threats, are facts supporting the adverse credibility decision. See Loho v. Mukasey, 531 F.3d 1016, 1018 (9th Cir. 2008).

DENIED.