

FILED

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GOHAR BAGHDASARYAN,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 05-71840

Agency No. A079-536-481

MEMORANDUM*

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

Submitted November 2, 2009**
Pasadena, California

Before: SCHROEDER, IKUTA, and SILER,*** Circuit Judges.

This is a petition for review of a decision by the Board of Immigration Appeals (“BIA”) affirming an order of removal and denying asylum, withholding

* 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).

*** The Honorable Eugene E. Siler, Jr., Senior United States Circuit Judge for the Sixth Circuit, sitting by designation.

of removal, and relief under the Convention Against Torture. The matter was submitted on the briefs after the individual who appeared at argument purporting to represent the petitioner failed to file a notice of appearance, make any substitution as counsel of record, provide any evidence that petitioner's current counsel of record withdrew from the case, or show any authorization from the client to proceed on her behalf.

On the merits of the issues briefed, we hold that neither the BIA nor the Immigration Judge ("IJ") erred in requiring the petitioner to comply with *Matter of Lozada*, 19 I. & N. Dec. 637 (BIA 1988). As the BIA correctly noted, 8 C.F.R. § 1208.4(a)(5)(iii) provides that the requirements established in *Matter of Lozada* apply in the context of an untimely filed asylum application. Applying that regulation, the BIA did not err in holding that petitioner's asylum claim was untimely. The IJ's adverse credibility determination also must be upheld because the petitioner, on appeal to the BIA or to this court, did not adequately address the reasons given by the IJ for the adverse determination. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996); *Husyev v. Mukasey*, 528 F.3d 1172, 1183 (9th Cir. 2008).

The petition for review is **DENIED**.

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Baghdasaryan v. Holder, 05-71840

IKUTA, Circuit Judge, concurring:

I concur in the result reached by the majority.