

DEC 14 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WISAM BOTROS ORAHA,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-74667

Agency No. A098-217-054

MEMORANDUM*

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

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Wisam Botros Oraha, a native and citizen of Iraq, petitions for review of the Board of Immigration Appeals' order affirming an immigration judge's decision denying his application for asylum and withholding of removal. We have

* 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).

jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence an adverse credibility determination, *Morgan v. Mukasey*, 529 F.3d 1202, 1206 (9th Cir. 2008), and deny the petition for review.

Substantial evidence supports the agency's adverse credibility determination because Orah's asylum application omitted his two month military detention and the bombing of his store, *see Alvarez-Santos v. INS*, 332 F.3d 1245, 1254 (9th Cir. 2003) (omission of a "dramatic, pivotal event" from asylum application supported adverse credibility determination). These omissions go to the heart of Orah's claim, *see Li v. Ashcroft*, 378 F.3d 959, 964 (9th Cir. 2004) and Orah's explanation does not compel reversal of the agency's determination, *see Lata v. INS*, 204 F.3d 1241, 1245 (9th Cir. 2000). Accordingly, in the absence of credible testimony, Orah's asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.