

JAN 20 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RITA ISKENDERIAN; ARMEN
EJDARYAN; et al.,

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 04-76516

Agency Nos. A078-105-913

A078-105-885

A078-105-957

MEMORANDUM *

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

Submitted January 11, 2010**

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

Rita Iskenderian and her husband and daughter, all natives and citizens of Armenia, petition for review of the Board of Immigration Appeals' order dismissing their appeal from an immigration judge's decision denying their

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Li v. Ashcroft*, 378 F.3d 959, 962 (9th Cir. 2004) , and we deny the petition for review.

Substantial evidence supports the agency’s adverse credibility determination because Iskenderian’s testimony was inconsistent with her asylum application and her asylum interview statements regarding whether Armenian police raped her during an arrest in March 1998, *see id.* at 962-63, 964 (adverse credibility determination is supported where at least one of the identified grounds is supported by substantial evidence and goes to the heart of the claim), and her explanation does not compel a contrary conclusion, *see Lata v. INS*, 204 F.3d 1241, 1245 (9th Cir. 2000). In the absence of credible testimony, Iskenderian’s asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Iskenderian’s CAT claim is based on testimony the IJ found not credible, and there is no evidence in the record that compels a finding that it is more likely than not she would be tortured if returned to Armenia, her CAT claim fails. *See id.* at 1156-57.

PETITION FOR REVIEW DENIED.