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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KHACHIK TSATURYAN,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-72225

Agency No. A095-175-560

MEMORANDUM\*

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

Submitted February 16, 2010\*\*

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Khachik Tsaturyan, a native of Iran and citizen of Armenia, petitions pro se for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum, withholding

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\* 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).

of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence and will uphold the agency’s decision unless the evidence compels a contrary conclusion. *Tekle v. Mukasey*, 533 F.3d 1044, 1051 (9th Cir. 2008). We deny the petition for review.

Substantial evidence supports the agency’s adverse credibility determination because Tsaturyan’s asylum application omits that he was persecuted on account of his ethnicity, nationality, and political opinion, *see Li v. Ashcroft*, 378 F.3d 959, 962 (9th Cir. 2004) (omission of matters that go to the heart of the claim from asylum application support an adverse credibility determination), and because Tsaturyan’s testimony was inconsistent with witness affidavits regarding the burning of his gas station, the number of times he was beaten, whether he was hospitalized, and the extent of the injuries he allegedly suffered, *see Pal v. INS*, 204 F.3d 935, 940 (9th Cir. 2000) (inconsistencies between testimony and documentary evidence support an adverse credibility determination). Accordingly, Tsaturyan’s asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Tsaturyan has failed to set forth any substantive argument regarding the agency's denial of CAT relief. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not supported by argument are deemed waived).

Tsaturyan's request that the case be remanded to the BIA or held in abeyance is denied.

**PETITION FOR REVIEW DENIED.**