

APR 20 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MATEO CCOHOA FUENTES; MARIA  
ANGELICA SIME TOMAYLLA;  
LILIANA MILAGROS CCOHOA SIME;  
CARLA LIZBETH CCOHOA SIME,

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-70501

Agency Nos. A072-527-044

A078-112-846

A078-112-847

A078-112-848

MEMORANDUM \*

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

Submitted April 5, 2010\*\*

Before: RYMER, McKEOWN, and PAEZ, Circuit Judges.

Mateo Ccohoa Fuentes and his family, natives and citizens of Peru, petition for review of the Board of Immigration Appeals' order dismissing their appeal from an immigration judge's decision denying their application for asylum and

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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).

withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings. *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006). We deny the petition for review.

Substantial evidence supports the agency's adverse credibility determination because the inconsistencies regarding how the attackers of his bus identified themselves goes to the heart of his claim of persecution. *See Li v. Ashcroft*, 378 F.3d 959, 962 (9th Cir. 2004). In the absence of credible testimony, Ccohoa's asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

We reject petitioners' request for judicial notice. We also reject petitioners' claim that they were denied a right to a full and fair hearing. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error and prejudice for a petitioner to prevail on a due process claim).

**PETITION FOR REVIEW DENIED.**