

JUN 17 2010

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

SHAHIN SHAHLAPOUR-ANISI,

Petitioner,

v.

**ERIC H. HOLDER Jr., Attorney
General,**

Respondent.

No. 06-70286

Agency No. A024-733-410

MEMORANDUM*

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

Argued and Submitted June 8, 2010
Pasadena, California

Before: **KOZINSKI**, Chief Judge, **RAWLINSON**, Circuit Judge, and
MARBLEY, District Judge.**

The IJ found numerous inconsistencies in Shahlapour-Anisi's oral testimony that "go to the heart of [her] asylum claim," Singh v. Ashcroft, 301 F.3d 1109, 1111 (9th Cir. 2002) (quoting Chebchoub v. INS, 257 F.3d 1038, 1043 (9th Cir.

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

** The Honorable Algenon L. Marbley, United States District Judge for the Southern District of Ohio, sitting by designation.

2001)), and “provide adequate support for the IJ’s negative credibility finding,” Kasnequiv v. Gonzalez, 400 F.3d 812, 815 (9th Cir. 2005). We therefore “defer to the IJ’s . . . findings and uphold the denial of asylum relief.” Farah v. Ashcroft, 348 F.3d 1153, 1156 (9th Cir. 2003).

We also deny Shahlapour-Anisi’s application for withholding of removal because “[a] failure to satisfy the lower standard of proof required to establish eligibility for asylum . . . necessarily results in a failure to demonstrate eligibility for withholding of deportation.” Pedro-Mateo v. INS, 224 F.3d 1147, 1150 (9th Cir. 2000).

Finally, we reject Shahlapour-Anisi’s contention that the IJ violated her due process rights by admitting and relying on the March 5, 1987 Order to Show Cause because there is a presumption of regularity in the delivery of documents by a government official. See Kohli v. Gonzales, 473 F.3d 1061, 1067–68 (9th Cir. 2007). Shahlapour-Anisi’s equivocal testimony that she didn’t recall whether she was served with the Order to Show Cause fails to overcome this presumption.

DENIED.