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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SAMVEL KARAPETYAN; FLORA HOVSEPYAN,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 07-74917

Agency Nos. A078-366-060
A078-366-061

MEMORANDUM*

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

Submitted June 29, 2010 **

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Samvel Karapetyan and his wife, 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 application for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). 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 concludes that this case is 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, *Soto-Olarte v. Holder*, 555 F.3d 1089, 1091 (9th Cir. 2009), and we deny the petition for review.

Substantial evidence supports the agency's adverse credibility determination based on inconsistencies between Karapetyan's testimony that he was a member of the Pentecostal Christian Church and the conflicting certificate he submitted to prove his membership. *See Goel v. Gonzales*, 490 F.3d 735, 739 (9th Cir. 2007) ("We have held inconsistencies between testimonial and documentary evidence to be proper basis for an adverse credibility finding."). Substantial evidence also supports the agency's adverse credibility determination based on Karapetyan's omission in his asylum application of his alleged escape to Poland for a period of two years, and of the alleged incident wherein the police pushed his pregnant wife causing the death of his unborn child. *See Kim v. Holder*, 595 F.3d 1050, 1056-57 (9th Cir. 2010) (the omissions of significant events or dramatic incidents "constitute substantial evidence to support the BIA's adverse credibility determinations."). Additionally, substantial evidence supports the agency's determination that Karapetyan failed to provide any evidence corroborating his claim that he was harmed in Armenia. *See Sidhu v. INS*, 220 F.3d 1085, 1090 (9th Cir. 2000) ("the applicant's failure to corroborate his testimony can be fatal to his asylum application"). In the absence of credible

testimony, petitioners' asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Lastly, respondents do not challenge the denial of CAT relief in their opening brief. Accordingly, they have waived that claim. *Castro-Perez v. Gonzales*, 409 F.3d 1069, 1072 (9th Cir. 2005).

PETITION FOR REVIEW DENIED.