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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DAVIT BAGHDASARYAN,

Petitioner,

v.

ERIC H. HOLDER JR., Attorney General,

Respondent.

No. 06-71851

Agency No. A079-569-313

MEMORANDUM\*

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

Argued and Submitted February 17, 2011  
Pasadena, California

Before: GOODWIN, KLEINFELD, and GRABER, Circuit Judges.

Davit Baghdasaryan, a citizen of Armenia, petitions for review of an order of the Board of Immigration Appeals denying his application for asylum. He asserts that the immigration judge's (IJ) adverse credibility determination rendered at his

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

2004 hearing was caused in large part by the ineffective assistance of his retained counsel.

The record on its face amply demonstrates ineffective performance by Baghdasaryan's counsel, Gloria Weil-Herrera. *See Castillo-Perez v. INS*, 212 F.3d 518, 525 (9th Cir. 2000). Corroborating evidence in the form of medical and other records was available before the hearing, yet Weil-Herrera failed to introduce it. The absence of corroboration was a key factor in the agency's failure to credit petitioner's testimony. Because ineffective assistance by counsel may have changed the outcome at the merits hearing, petitioner was denied due process. *See Mohammed v. Gonzales*, 400 F.3d 785, 793-94 (9th Cir. 2005); *Lara-Torres v. Ashcroft*, 383 F.3d 968, 973 (9th Cir. 2004), *as amended*, 404 F.3d 1105 (9th Cir. 2005).

We grant the petition and remand for a new hearing and, therefore, do not reach the issue of credibility.

**PETITION GRANTED AND CAUSE REMANDED.**