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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>HOVHANNES YESAYAN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 09-71132

Agency No. A099-333-523

MEMORANDUM*

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

Submitted October 9, 2012**

Before: RAWLINSON, MURGUIA, and WATFORD, Circuit Judges.

Hovhannes Yesayan, a native of Iran and citizen of Armenia, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s decision denying his application for asylum.

We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence

* 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).

the agency’s factual findings, applying the standards governing adverse credibility determinations created by the REAL ID Act, *Shrestha v. Holder*, 590 F.3d 1034, 1039 (9th Cir. 2010), and we deny the petition for review.

The BIA found Yesayan not credible based upon the contradictory dates in Yesayan’s testimony and his alleged inability to remember when events occurred, which rendered his testimony “virtually incoherent.” The BIA also found Yesayan not credible based on the inconsistency between what Yesayan’s medical document purported to show, *i.e.*, treatment of his kidneys and bronchitis, and what it did show, *i.e.*, treatment of bronchitis only. Substantial evidence supports the agency’s adverse credibility determination. *See id.* at 1048 (adverse credibility determination was reasonable under the REAL ID Act’s “totality of the circumstances”).

PETITION FOR REVIEW DENIED.