

MAR 15 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SUSANA JANNETTE AVALOS-  
RODAS,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-74001

Agency No. A094-833-419

MEMORANDUM\*

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

Submitted March 7, 2013\*\*  
Pasadena, California

Before: PAEZ and WATFORD, Circuit Judges, and KOBAYASHI, District  
Judge.\*\*\*

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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).

\*\*\* The Honorable Leslie E. Kobayashi, United States District Judge for the District of Hawaii, sitting by designation.

Susana Avalos-Rodas petitions for review of an order by the Board of Immigration Appeals dismissing her appeal from the immigration judge's decision denying her applications for asylum, withholding of removal, and protection under the Convention Against Torture. We review the immigration judge's decision directly because the Board affirmed without an opinion. *See Falcon Carriche v. Ashcroft*, 350 F.3d 845, 848-49 (9th Cir. 2003).

We deny Avalos-Rodas's petition because the immigration judge's adverse credibility finding was supported by substantial evidence as to multiple statutory factors under the REAL ID Act, including inconsistency and falsehood. *Shrestha v. Holder*, 590 F.3d 1034, 1044 (9th Cir. 2010); 8 U.S.C. § 1158(b)(1)(B)(iii). Avalos-Rodas has not shown that she is entitled to tolling of the effective date of the REAL ID Act.

Avalos-Rodas also argues that the immigration judge deprived her of her due process right to effective assistance of counsel by failing to serve her lawyer with a copy of the order continuing her hearing. However, she did not raise such an argument before the Board of Immigration Appeals. This court therefore lacks jurisdiction to address it. *Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

**PETITION FOR REVIEW DENIED.**