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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SASHO VALERIEV DIMITROV,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-72463

Agency No. A095-585-211

MEMORANDUM*

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

Submitted December 7, 2012**
Seattle, Washington

Before: TALLMAN and WATFORD, Circuit Judges, and FITZGERALD, District
Judge.***

Sasho Valeriev Dimitrov petitions for review of a final order of the Board of
Immigration Appeals (BIA) adopting and affirming the decision of the

* 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 Michael W. Fitzgerald, United States District Judge
for the Central District of California, sitting by designation.

immigration judge (IJ) to deny Dimitrov's application for asylum, withholding of removal, and protection under the Convention Against Torture (CAT). We have jurisdiction pursuant to 8 U.S.C. § 1252, and we deny the petition for review.

Even if we assume, without deciding, that Dimitrov's application for asylum was timely filed, the IJ's adverse credibility determination is supported by substantial evidence. *See Gui v. INS*, 280 F.3d 1217, 1225 (9th Cir. 2002). By pointing out material inconsistencies in Dimitrov's testimony that undermined Dimitrov's claim that he was persecuted in Bulgaria on account of his status as a Roma, the IJ provided a "legitimate, articulable basis to question" Dimitrov's credibility and "offer[ed] a specific, cogent reason for any stated disbelief." *Id.* Because this discredited testimony went "to the heart of [Dimitrov's] claim of persecution," we are "bound to accept the IJ's adverse credibility finding" as to Dimitrov's claims for asylum and withholding of removal. *Wang v. INS*, 352 F.3d 1250, 1259 (9th Cir. 2003). Since the record, "denuded of [Dimitrov's] discredited testimony," does not compel a finding that Dimitrov is more likely than not to be tortured if he is returned to Bulgaria, Dimitrov's claim for CAT protection also fails. *Shrestha v. Holder*, 590 F.3d 1034, 1048–49 (9th Cir. 2010).

PETITION FOR REVIEW DENIED.