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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ROBERTO ESCOBAR, a.k.a. Roberto Escobar Rosales,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 10-71232

Agency No. A094-314-164

MEMORANDUM*

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

Submitted June 10, 2013**

Before: HAWKINS, McKEOWN, and BERZON, Circuit Judges.

Roberto Escobar, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s decision denying his application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for

* 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).

substantial evidence 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). We deny the petition for review.

Escobar does not challenge the agency’s dispositive finding that his asylum application is time-barred.

In his declaration Escobar claimed he feared the Salvadoran government because of his father’s guerrilla activities, but during his hearing he testified he feared the guerrillas because of his own actions. Substantial evidence supports the agency’s adverse credibility determination based on this. *See Zamanov v. Holder*, 649 F.3d 969, 973-74 (9th Cir. 2011) (adverse credibility finding supported where incidents petitioner omitted from asylum application materially altered claim); *Shrestha*, 590 F.3d at 1047 (“when an inconsistency is at the heart of the claim it doubtless is of great weight”). In the absence of credible testimony, Escobar’s withholding of removal claim fails. *See id.* at 1048 & n.6.

PETITION FOR REVIEW DENIED.