

JUN 20 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ARMOND TSATURYAN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
--

No. 10-73090

Agency No. A088-114-979

MEMORANDUM*

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

Submitted June 18, 2013**

Before: TALLMAN, M. SMITH, and HURWITZ, Circuit Judges.

Armond Tsaturyan, a native and citizen of Armenia, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”).

* 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).

We have jurisdiction under 8 U.S.C. § 1252. We review for 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, 1039-40 (9th Cir. 2010). We deny the petition for review.

Substantial evidence supports the BIA's adverse credibility determination based on Tsaturyan's omission of the worst incident of harm from the two written statements he submitted in support of his asylum claim, *see Zamanov v. Holder*, 649 F.3d 969, 974 (9th Cir. 2011), and his failure to testify in detail regarding any of the alleged harms he suffered in Armenia, *see Shrestha*, 590 F.3d at 1048. The BIA was not compelled to accept Tsaturyan's explanations for the omission. *See Zamanov*, 649 F.3d at 974. In the absence of credible testimony, Tsaturyan's asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003). In light of our conclusions, we do not address Tsaturyan's contentions regarding the merits of those claims.

Finally, substantial evidence also supports the agency's denial of CAT relief because Tsaturyan failed to establish that it is more likely than not he will be tortured if he returns to Armenia. *See id.* at 1156-57.

PETITION FOR REVIEW DENIED.