

APR 17 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GANESH PRASAD POKHAREL, AKA
Ganesh Kumar Pokharel,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-72682

Agency No. A089-696-798

MEMORANDUM*

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

Submitted April 9, 2014**
San Francisco, California

Before: SCHROEDER and CALLAHAN, Circuit Judges, and PRATT, Senior
District Judge.***

* 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 Robert W. Pratt, Senior United States District Judge
for the Southern District of Iowa, sitting by designation.

Petitioner Ganesh Pokharel, a native and citizen of Nepal, appeals the decision of the Board of Immigration Appeals (“BIA”) denying his application for asylum, withholding of removal, and protection under the Convention Against Torture. We deny the petition.

Substantial evidence supports the BIA’s adverse credibility determination. *See Ling Huang v. Holder*, ___ F.3d ___, 2014 WL 949118, at *2–3 (9th Cir. Mar. 12, 2014). Pokharel provided inconsistent dates for two events that formed the basis of his claim: his five-day detention by the Maoists and his wife’s receipt of a threatening letter. Further, Pokharel had difficulty recalling the dates of events when asked about them out of chronological order, supporting the conclusion that his testimony seemed memorized. Pokharel was given the opportunity to explain inconsistencies and was represented by counsel. He testified through an interpreter, but the record does not establish that any of Pokharel’s difficulty recalling the dates of events was the result of translation problems.

PETITION DENIED.