

DEC 02 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SONA MIRIJANYAN; et al.,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-73915

Agency Nos. A095-633-925
A095-633-926

MEMORANDUM*

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

Submitted November 18, 2014**

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Sona Mirijanyan and her daughter, natives and citizens of Armenia, petition for review of the Board of Immigration Appeals' order dismissing their appeal from an immigration judge's decision denying their application for asylum, withholding of removal, and protection under the Convention Against Torture

* 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).

(“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings, *Chebchoub v. INS*, 257 F.3d 1038, 1042 (9th Cir. 2001), and we deny the petition for review.

Substantial evidence supports the agency’s adverse credibility determination based on the inconsistencies between Mirijanyan’s testimony and written application regarding the central incident of harm Mirijanyan allegedly suffered, and where she lived at the time. *See id.* at 1043 (inconsistencies about the events leading up to petitioner’s departure and the number of times he was arrested went to the heart of the claim). Mirijanyan’s explanations do not compel the opposite result. *See Lata v. INS*, 204 F.3d 1241, 1245 (9th Cir. 2000). The record does not support Mirijanyan’s contention that the agency failed to fully consider her explanations or testimony. In the absence of credible testimony, petitioners’ asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Finally, Mirijanyan’s CAT claim fails because it is based on the same testimony the agency found not credible, and she does not point to any other evidence in the record that compels the conclusion that it is more likely than not she would be tortured if returned to Armenia. *See id.* at 1156-57.

PETITION FOR REVIEW DENIED.