

JUN 17 2015

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

YAM BAHADUR SHREESH,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 12-73664

Agency No. A200-628-658

MEMORANDUM*

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

Argued and Submitted June 1, 2015
Pasadena, California

Before: FERNANDEZ and BEA, Circuit Judges and MARQUEZ,** District Judge.

Yam Bahadur Shreesh petitions for review of the denial of his application for asylum, withholding of removal, and relief under the Convention Against Torture. The Board of Immigration Appeals (“BIA”) affirmed the denial of Mr. Shreesh’s application on the basis of an adverse credibility determination and a

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The Honorable Rosemary Marquez, District Judge for the U.S. District Court for the District of Arizona, sitting by designation.

finding that Mr. Shreesh had provided material support to a designated terrorist organization. The government concedes that the BIA's material support bar determination is erroneous because, at the time Mr. Shreesh provided money to the Maoists, the Maoists had not yet been designated as a terrorist organization. The BIA's adverse credibility determination, however, is supported by substantial evidence. Under the substantial evidence standard, the BIA's credibility determination is "conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary." 8 U.S.C. § 1252(b)(4)(B); *see also Rizk v. Holder*, 629 F.3d 1083, 1087 (9th Cir. 2011); *Malkandi v. Holder*, 576 F.3d 906, 917 (9th Cir. 2008). Mr. Shreesh failed to produce evidence which would compel a reasonable trier of fact to conclude that the BIA did not have grounds for an adverse credibility determination based on (1) Mr. Shreesh's demeanor when testifying and (2) doubts raised by the hospital report submitted by Mr. Shreesh in support of his application.

Petition for Review DENIED.