

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 21 2025

FOR THE NINTH CIRCUIT

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

ARSEN MELIKSETIAN, et al.,

Petitioners,

v.

MERRICK B. GARLAND, Attorney  
General,

Respondent.

No. 23-3849

Agency Nos.  
A220-643-141  
A220-643-142  
A220-643-143

MEMORANDUM\*

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

Submitted January 16, 2025\*\*  
Pasadena, California

Before: TALLMAN, FRIEDLAND, and BENNETT, Circuit Judges.

Lead Petitioner Arsen Meliksetian, a native of Armenia and citizen of Russia, seeks review of a decision by the Board of Immigration Appeals (“BIA”) affirming the denial of asylum, withholding of removal, and protection under the

---

\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Convention Against Torture (“CAT”).<sup>1</sup> We have jurisdiction under 8 U.S.C. § 1252. We review factual findings for substantial evidence, applying the standards governing adverse credibility determinations under the REAL ID Act, and review legal conclusions de novo. *See Shrestha v. Holder*, 590 F.3d 1034, 1039–40, 1048 (9th Cir. 2010). We deny the petition.

1. Substantial evidence supports the BIA’s decision upholding an adverse credibility determination by the Immigration Judge (“IJ”). The BIA expressly agreed with the IJ that Petitioner’s testimony had numerous inconsistencies, including as to (1) the sequence of threats and attacks that he suffered; (2) the date of one of those attacks; (3) the length of time he was hospitalized following that attack; and (4) the names and his relationship to the individuals against whom the Russian police insisted he falsely testify. The IJ offered Petitioner opportunities to explain those inconsistencies but found his explanations unsatisfactory. Considering “the totality of [the] circumstances,” substantial evidence supports the BIA’s affirmance of the adverse credibility determination. *Id.* at 1044.

In the absence of credible testimony, Petitioner’s asylum and withholding of removal claims fail.<sup>2</sup> *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

---

<sup>1</sup> Petitioner’s wife and daughter are derivative beneficiaries of his application for asylum. References to Petitioner are to the lead petitioner.

<sup>2</sup> The BIA held that Petitioner’s additional evidence did not rehabilitate his testimony. Petitioner does not challenge that conclusion here, so any such

2. The BIA held that Petitioner waived the CAT claim because he failed to meaningfully appeal the IJ's denial of protection. Petitioner's brief to our Court does not contest the BIA's waiver determination, so we deny the petition as to the CAT claim. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259–60 (9th Cir. 1996).

3. Petitioner argues that a remand is warranted due to changed country conditions. Petitioner, however, did not argue changed country conditions to the BIA, so that issue is unexhausted and we deny that portion of the petition. *See Umana-Escobar v. Garland*, 69 F.4th 544, 550 (9th Cir. 2023).

**PETITION DENIED.**

---

challenge is forfeited. *See Hernandez v. Garland*, 47 F.4th 908, 916 (9th Cir. 2022).