

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 11 2026

FOR THE NINTH CIRCUIT

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

JEAN RONY FLEURINORD,

Petitioner,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-7084

Agency No.
A209-165-566

MEMORANDUM*

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

Submitted August 7, 2026**
Pasadena, California

Before: GRABER, KOH, and H.A. THOMAS, Circuit Judges.

Jean Rony Fleurinord is a native and citizen of Haiti. He petitions for review of a decision of the Board of Immigration Appeals (“BIA”) dismissing an appeal from an order by an Immigration Judge (“IJ”) (collectively, the “Agency”) denying his application for asylum and withholding of removal on the ground that

* 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).

Fleurinord’s testimony in support of his application was not credible.¹ Where the BIA adopts the decision of the IJ, citing *Matter of Burbano*, 20 I. & N. Dec. 872 (BIA 1994), and adds its own reasoning, we review both decisions. *Posos-Sanchez v. Garland*, 3 F.4th 1176, 1182 (9th Cir. 2021). We review the Agency’s credibility determination for substantial evidence. *Barseghyan v. Garland*, 39 F.4th 1138, 1142 (9th Cir. 2022). We have jurisdiction under 8 U.S.C. § 1252 and deny the petition.

Substantial evidence supports the Agency’s adverse credibility determination, including Fleurinord’s inconsistent testimony regarding the source of his fear of harm in Haiti, material omissions in his sworn statement and application for relief, and the IJ’s observations about his demeanor during the hearing. *See Silva-Pereira v. Lynch*, 827 F.3d 1176, 1186 (9th Cir. 2016) (holding the BIA “reasonably concluded that [the petitioner’s] failure to mention his altercations with police were not details, but instead ‘significant events of alleged police misconduct that would have supported his applications for relief’”); *Rodriguez-Ramirez v. Garland*, 11 F.4th 1091, 1093 (9th Cir. 2021) (per curiam)

¹ As the Government notes, Fleurinord failed to exhaust his CAT claim before the BIA. *See Suate-Orellana v. Garland*, 101 F.4th 624, 629 (9th Cir. 2024). He has also forfeited this issue on appeal. *See Hernandez v. Garland*, 47 F.4th 908, 916 (9th Cir. 2022) (holding that arguments not argued “specifically and distinctly” in an opening brief are deemed forfeited (citation omitted)). We therefore do not consider Fleurinord’s CAT claim.

(observing that “the IJ is in the best position to consider a petitioner’s demeanor, candor, and responsiveness”). Even assuming that Fleurinord’s explanations for the inconsistencies and omissions in his testimony are “plausible,” substantial evidence supports the Agency’s rejection of those explanations. *See Dong v. Garland*, 50 F.4th 1291, 1301 (9th Cir. 2022) (“[P]lausible explanations do not always compel credence.”); *see also Li v. Garland*, 13 F.4th 954, 959 (9th Cir. 2021) (discussing the circumstances in which inconsistencies and omissions support an adverse credibility determination).

Because the adverse credibility determination is dispositive of Fleurinord’s claims, we need not address the Agency’s alternative findings. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (“As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.”); *Rodriguez-Ramirez*, 11 F.4th at 1094 (“Substantial evidence also supports the BIA’s conclusion that without credible testimony, [the petitioner] failed to establish eligibility for asylum or withholding of removal.”).²

² As the Government notes, Fleurinord failed to exhaust his due process and adjustment of status claims. *See Suate-Orellana*, 101 F.4th at 629. We therefore may not consider them. Nor do we consider Fleurinord’s equal protection claim, mentioned only in passing in his opening brief. *See* Fed. R. App. P. 28(a)(8)(A); *Hernandez*, 47 F.4th at 916.

PETITION DENIED.³

³ Petitioner's opposed motion to stay removal (Dkt. No. 3) is denied. The temporary stay of removal entered pursuant to General Order 6.4(c) (Dkt. No. 5) is lifted, effective immediately.