NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AZAEL ARMANDO ROSALES FERNANDEZ, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 20-72826 Agency No. A201-436-754 MEMORANDUM*

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

Submitted October 26, 2026**
Pasadena, California

Before: R. NELSON and H.A. THOMAS, Circuit Judges, and MARTÍNEZ-OLGUÍN, District Judge.***

Azael Armando Rosales Fernandez, a native and citizen of Venezuela, petitions for review of a decision of the Board of Immigration Appeals ("BIA")

* 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).

*** The Honorable Araceli Martínez-Olguín, United States District Judge for the Northern District of California, sitting by designation.

dismissing his appeal of an Immigration Judge's ("IJ") order (collectively, the "Agency") denying his applications for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). We have jurisdiction under 8 U.S.C. § 1252. We deny the petition.

"Where, as here, the BIA dismissed an appeal, agreed with several of the IJ's findings, and added its own reasoning, we review the decisions of both the BIA and the IJ to the extent that the BIA agreed with the IJ's conclusions." *Manzano v. Garland*, 104 F.4th 1202, 1206 (9th Cir. 2024) (cleaned up). "We review the agency's legal determinations de novo and its factual findings for substantial evidence." *Singh v. Holder*, 656 F.3d 1047, 1051 (9th Cir. 2011). "[W]e may reverse only if the evidence in the record compels a contrary result." *Parussimova v. Mukasey*, 555 F.3d 734, 738 (9th Cir. 2009).

Substantial evidence supports the Agency's dispositive adverse credibility determination. The IJ found that Rosales Fernandez's "testimonial demeanor was both evasive and unresponsive." "We give 'special deference' to a credibility determination that is based on demeanor." *Singh-Kaur v. INS*, 183 F.3d 1147, 1151 (9th Cir. 1999) (citation omitted).

The IJ also found aspects of Rosales Fernandez's testimony inconsistent and implausible. Rosales Fernandez acknowledges that he "could not explain" certain testimony that the IJ found not credible or "the exact steps taken" to obtain certain

documentary evidence, yet maintains that "there is nothing inherently incredible" about those aspects of his claims. Even if we agreed, "[we] may not reverse . . . even though convinced that had [we] been sitting as the trier of fact, [we] would have weighed the evidence differently." *Mondaca-Vega v. Lynch*, 808 F.3d 413, 426 (9th Cir. 2015) (quoting *Anderson v. City of Bessemer City*, 470 U.S. 564, 573–74 (1985)) (modifications in original).

The IJ further found that the corroborating evidence Rosales Fernandez offered to rehabilitate his credibility was insufficient. Among other things, the IJ noted that a letter from Rosales Fernandez's former neighbors, claiming that Rosales Fernandez had been beaten at a protest, contradicted his own account that he was not harmed during that event. The IJ also found Rosales Fernandez's testimony about a South African model, who Rosales Fernandez claimed was in Venezuela and involved in his political organization, was "patently and knowingly untruthful." Nothing in the record compels a contrary conclusion. We thus affirm the agency's dispositive credibility determination. We do not reach the parties' arguments about whether Rosales Fernandez exhausted issues concerning the agency's alternative merits denials. Nor do we reach the substance of Rosales Fernandez's arguments about those merits-based denials, which in any event, the agency does not defend in this appeal.

PETITION DENIED.[1]

[1] Rosales Fernandez's motion to stay removal, Dkt. No. 1, is denied. The temporary stay of removal is lifted.