

SEP 22 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JENIA AMIRAGIAN,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 07-72162

Agency No. A096-048-549

MEMORANDUM*

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

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN and N.R. SMITH, Circuit Judges.

Jenia Amiragian, a native and citizen of Armenia, petitions for review of a Board of Immigration Appeals’ order dismissing her appeal from an immigration judge’s (“IJ”) decision denying her application for asylum and withholding of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for

* 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).

substantial evidence factual findings. *Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003). We deny the petition for review.

Amiragian does not challenge the IJ's dispositive finding that her application for asylum was untimely. Accordingly, her asylum claim fails.

Substantial evidence supports the IJ's adverse credibility determination based upon, inter alia, inconsistencies regarding the harm the police inflicted on her, *see Chebchoub v. INS*, 257 F.3d 1038, 1043 (9th Cir. 2001), and her submission of a fraudulent medical document, *see Desta v. Ashcroft*, 365 F.3d 741, 745 (9th Cir. 2004) (adverse credibility determination supported where petitioner submitted fraudulent documents that went to the heart of the claim and there were material inconsistencies in petitioner's testimony). In the absence of credible testimony, Amiragian's withholding of removal claim fails. *See Farah*, 348 F.3d at 1156.

PETITION FOR REVIEW DENIED.