

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 18 2022

FOR THE NINTH CIRCUIT

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

JELEN YARLENY MONTE DE OCA  
ANDURAY,

Petitioner,

v.

MERRICK B. GARLAND, Attorney  
General,

Respondent.

No. 19-73111

Agency No. A202-097-869

MEMORANDUM\*

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

Submitted November 16, 2022\*\*  
San Francisco, California

Before: RAWLINSON and HURWITZ, Circuit Judges, and CARDONE,\*\*\* District  
Judge.

Jelen Yarleny Monte de Oca Anduray petitions for review of a decision of the

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\* 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 Kathleen Cardone, United States District Judge for the  
Western District of Texas, sitting by designation.

Board of Immigration Appeals (“BIA”) dismissing her appeal from an order of an Immigration Judge (“IJ”) denying her asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252, review the agency’s factual findings for substantial evidence, and must accept them unless “any reasonable adjudicator would be compelled to conclude to the contrary based on the evidence in the record.” *Zhi v. Holder*, 751 F.3d 1088, 1091 (9th Cir. 2014) (cleaned up). We deny the petition.

1. Substantial evidence supports the IJ’s adverse credibility determination. That determination can be based on “the inherent plausibility” of the applicant’s account, “the consistency between the applicant’s . . . written and oral statements,” and “the internal consistency of each such statement.” 8 U.S.C. § 1158(b)(1)(B)(iii); *Alam v. Garland*, 11 F.4th 1133, 1135 (9th Cir. 2021) (en banc).

Anduray inconsistently testified about the dates of her alleged harassment by “El Chucho” and where she was going when it occurred. She could not explain how El Chucho knew her phone number when she did not get a cell phone until after the last time she was harassed by him and moved, nor why El Chucho ceased contact after she moved, even though she continued to attend the same school. Anduray also failed to list her Guatemalan work history or her aunt’s address on her applications. Although Anduray remained in contact with her mother in Guatemala, she failed to submit any corroborating evidence.

2. Even assuming Anduray is credible, the record does not compel the conclusion that her application should be granted. Harassment does not generally amount to “persecution,” *see, e.g., Gomes v. Gonzales*, 429 F.3d 1264, 1267 (9th Cir. 2005); *Halim v. Holder*, 590 F.3d 971, 976 (9th Cir. 2009), Anduray’s female relatives continue to live in Guatemala unharmed, and Anduray only generally alleges that the police would not have intervened had she reported, *see Garcia-Milian v. Holder*, 755 F.3d 1026, 1034 (9th Cir. 2014). She has thus not shown past persecution, a reasonable probability of future persecution, past torture, a likelihood of future torture, or government acquiescence.

**PETITION DENIED.**