

FILED

OCT 01 2007

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

JANIK TSATURYAN; et al.,

Petitioners,

v.

PETER D. KEISLER,** Acting Attorney
General,

Respondent.

No. 05-74698

Agency Nos. A75-663-801
A78-015-331

MEMORANDUM*

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

Submitted September 24, 2007***

Before: CANBY, TASHIMA, and RAWLINSON, Circuit Judges.

Janik Tsaturyan and his wife Zartar Zaturyan, citizens of Armenia, petition pro se for review of the Board of Immigration Appeals' decision that summarily

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** Peter D. Keisler is substituted for his predecessor, Alberto R. Gonzales, as Acting Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

*** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

affirmed the Immigration Judge's ("IJ") order denying their applications for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for substantial evidence, *Li v. Ashcroft*, 378 F.3d 959, 962 (9th Cir. 2004), and we deny the petitions.

Substantial evidence supports the IJ's adverse credibility determination because Tsaturyan's testimony, that he was harmed in Armenia on account of his Baha'i faith, is inconsistent with letters from the Baha'i National Spiritual Assembly. *See id.* at 964.

Because the petitioners failed to satisfy the lower standard of proof for asylum, it necessarily follows that they failed to satisfy the more stringent standard for withholding of removal. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because the petitioners' CAT claim is based on the same testimony that the IJ found not credible, and because they point to no other evidence that the IJ should have considered in making its CAT determination, substantial evidence supports the IJ's denial of CAT relief. *See id.* at 1157.

PETITION FOR REVIEW DENIED.