

OCT 19 2007

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

NOT FOR PUBLICATION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

GOHAR MELKONYAN,

Petitioner,

v.

PETER D. KEISLER, Acting Attorney
General,**

Respondent.

No. 05-74428

Agency No. A95-346-385

MEMORANDUM*

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

Argued and Submitted October 16, 2007
Pasadena, California

Before: **KOZINSKI, TASHIMA, and McKEOWN**, Circuit Judges.

The IJ articulated specific inconsistencies in petitioner’s testimony that went to the heart of her asylum claim, and as such, the record supports the IJ’s adverse

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

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

credibility finding, even if the demeanor evidence is not considered. *See Malhi v. INS*, 336 F.3d 989, 992-93 (9th Cir. 2003). Substantial evidence thus supports the IJ's finding that petitioner did not show that she is eligible for asylum. 8 U.S.C. § 1252(b)(4)(B). Because Melkonyan fails to establish eligibility for asylum, she also fails to demonstrate eligibility for withholding of removal. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003). Given the adverse credibility finding, her claim for relief under the Convention Against Torture also fails because the record does not compel the conclusion that it is more likely than not that she will suffer intentionally-inflicted cruel and inhuman treatment upon returning to Armenia. *See Singh v. Gonzales*, 439 F.3d 1100, 1113 (9th Cir. 2006).

PETITION DENIED.