

DEC 30 2008

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARAKSYA TER GHUKASYAN,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 04-70194

Agency No. A075-698-669

MEMORANDUM*

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

Submitted December 17, 2008**

Before: GOODWIN, WALLACE, and TROTT, Circuit Judges.

Araksya Ter Ghukasyan, a native of Iran and citizen of Armenia, petitions for review of the Board of Immigration Appeals' order summarily affirming her appeal from an immigration judge's ("IJ") decision denying her application for

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

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

asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence adverse credibility findings, *Mejia-Paiz v. INS*, 111 F.3d 720, 723 (9th Cir. 1997), and de novo claims of due process violations, *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000). We deny the petition for review.

Substantial evidence supports the IJ’s adverse credibility determination because the IJ had reason to question Ter Ghukasyan’s credibility and Ter Ghukasyan failed to produce non-duplicative, material, easily available corroborating evidence of her Jehovah’s Witness baptism, and she did not provide a credible explanation for this failure. *See Sidhu v. INS*, 220 F.3d 1085, 1092 (9th Cir. 2000). Accordingly, Ter Ghukasyan’s asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Substantial evidence also supports the IJ’s denial of Ter Ghukasyan’s CAT claim because this claim is based on the same statements that the IJ found to be not credible, and Ter Ghukasyan points to no other evidence she claims the agency should have considered in making its CAT determination. *See id.* at 1157.

We reject Ter Ghukasyan’s due process contention because she does not identify any error of law by the agency. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th

Cir. 2000).

PETITION FOR REVIEW DENIED.