

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 25 2009

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

YARED ALEMAYEHU AYICHEW,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 04-71599

Agency No. A095-295-987

MEMORANDUM*

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

Argued and Submitted March 3, 2009
Pasadena, California

Before: O'SCANNLAIN, RYMER, and WARDLAW, Circuit Judges.

Yared Alemayehu Ayichew, an Ethiopian citizen, seeks review of the Attorney General's decision finding him ineligible for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). As the parties are familiar with the underlying facts, they will not be repeated here.

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

The Immigration Judge (“IJ”) determined that Ayichew was not credible because his story lacked inherent plausibility, and the Board of Immigration Appeals (“BIA”) upheld that finding. Specifically, the IJ noted that Ayichew had represented his government overseas on three separate occasions after the alleged persecutions began. The IJ properly used his common sense in determining that Ayichew’s narrative was implausible. The BIA upheld that finding. This conclusion was supported by substantial evidence. *See Jibril v. Gonzales*, 423 F.3d 1129, 1135 (9th Cir. 2005) (“Under our case law, testimony that is implausible in light of the background evidence can support an adverse credibility finding.” (emphasis and internal citation and quotation marks omitted)).

Furthermore, substantial evidence supports the IJ’s conclusion (affirmed by the BIA) that Ayichew’s testimony about imputed membership in a political group was an attempt to enhance his claim of persecution to establish a nexus to a protected ground.

Because the BIA’s adverse credibility determination is supported by substantial evidence, its decision to deny Ayichew asylum, withholding of removal, and relief under the CAT must stand.

PETITION FOR REVIEW DENIED.