

APR 28 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VAZGEN BARSEGHYAN,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 05-72184

Agency No. A095-190-321

MEMORANDUM\*

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

Submitted April 13, 2009\*\*

Before: GRABER, GOULD, and BEA, Circuit Judges.

Vazgen Barseghyan, a native of Iran and citizen of Armenia, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's ("IJ") decision denying his application for asylum,

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\* 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. P. 34(a)(2).

withholding of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. Reviewing for substantial evidence, *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006), we deny the petition for review.

Substantial evidence supports the IJ’s conclusion that Barseghyan failed to establish that the problems he suffered in Armenia rose to the level of persecution or occurred on account of a protected ground. *See Hoxha v. Ashcroft*, 319 F.3d 1179, 1182 (9th Cir. 2003); *see also Kozulin v. INS*, 218 F.3d 1112, 1115-17 (9th Cir. 2000). Substantial evidence further supports the IJ’s conclusion that Barseghyan did not establish the threats he received following the plane mishap with important officials aboard were on account of a protected ground. *See Kozulin*, 218 F.3d at 1115-17.

Because Barseghyan failed to establish eligibility for asylum, he necessarily failed to meet the more stringent requirements for withholding of removal. *See Zehatye*, 453 F.3d at 1190.

Substantial evidence supports the IJ’s denial of CAT relief because Barseghyan has not demonstrated that it is more likely than not he will be tortured if he returns to Armenia. *See Singh v. Gonzales*, 439 F.3d 1100, 1113 (9th Cir. 2006).

Barseghyan's motion to accept his late-filed reply brief is denied as unnecessary because the brief was not late.

**PETITION FOR REVIEW DENIED.**