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U.S. COURT OF APPEALS

NOT FOR PUBLICATION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

LARISA GEVORKOVA; et al.,

Petitioners,

v.

ERIC H. HOLDER , Attorney General,

Respondent.

No. 04-75987

Agency Nos. A075-689-469
A075-689-470

MEMORANDUM*

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

Argued and Submitted November 19, 2008
Pasadena, California

Before: PREGERSON and RYMER, Circuit Judges, and KORMAN,** District
Judge.

Larisa Gevorkova and her husband, Sergo Gevorkov (collectively, the
Gevorkovs), natives of the former Soviet republic of Georgia, petition for review
of a final order of the Board of Immigration Appeals denying their application for

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

** The Honorable Edward R. Korman, Senior United States District
Judge for the Eastern District of New York, sitting by designation.

asylum, withholding of removal, and application for relief under the Convention Against Torture. We deny the petition for review.

There was substantial evidence to support the immigration judge's adverse credibility determination with respect to past persecution. There was inconsistent testimony between Mr. and Mrs. Gevorkov or between testimony and the asylum application with respect to whether Mrs. Gevorkova went to the Refugee Committee at all, whether her birth certificate was presented to the Refugee Committee and was rejected because she was Abkhazian, whether both Mr. and Mrs. Gevorkov were attacked in Sochi, Russia, and whether the attack on Mr. Gevorkov in Tbilisi, Georgia was reported to authorities. These inconsistencies are not minor or unimportant, but rather go to the heart of the Gevorkovs' claim of past persecution, *see Ceballos-Castillo v. INS*, 904 F.2d 519, 520 (9th Cir. 1990), and thus support an adverse credibility finding and denial of the asylum application.

Likewise, the Gevorkovs are unable to show an objectively reasonable, well founded fear of future persecution. To show future persecution, they relied mostly on the same evidence of past persecution that lacked credibility, and accordingly, the evidence presented was not "so compelling that no reasonable factfinder could

fail to find the requisite fear of persecution.” *INS v. Elias-Zacarias*, 502 U.S. 478, 484 (1992).

The Gevorkovs’ application for withholding of removal was also properly denied. A failure to meet the standard for showing a well founded fear of future persecution necessarily precludes withholding of removal, which requires a more stringent standard be met. *See Mansour v. Ashcroft*, 390 F.3d 667, 673 (9th Cir. 2004).

There is virtually no evidence to support the Gevorkovs’ claim for relief under the Convention Against Torture. Again, much of the same evidence of past persecution that lacked credibility is relied upon, *see Farah v. Ashcroft*, 348 F.3d 1153, 1157 (9th Cir. 2003), and any additional evidence does not rise to the level of showing “it is more likely than not that [they] would be tortured if removed to [Georgia].” 8 C.F.R. § 208.16(c)(2).

PETITION FOR REVIEW DENIED.