

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

April 28, 2009

Charles R. Fulbruge III  
Clerk

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No. 08-60393  
Summary Calendar

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VIKTOR PAVLOVITCH MYTYUK

Petitioner

v.

ERIC H HOLDER, JR, U S ATTORNEY GENERAL

Respondent

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A88 057 059

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Before HIGGINBOTHAM, BARKSDALE, and ELROD, Circuit Judges.

PER CURIAM:\*

Viktor Pavlovitch Mytyuk appeals the Board of Immigration Appeals's (BIA's) decision denying his requests for withholding of removal and relief under the Convention Against Torture (CAT) and moves for production of his criminal record. The Immigration Judge found, based on the totality of the record and Mytyuk's demeanor during his testimony, that Mytyuk was not credible and was

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

therefore not entitled to relief, noting specifically the significant inconsistencies between Mytyuk's written application and his oral testimony.

Like his brief before the BIA, Mytyuk's brief before this court fails to address the Immigration Judge's credibility finding beyond mere conclusional representations of his truthfulness. He has therefore waived review of that issue by virtue of his inadequate briefing. *See Calderon-Ontiveros v. INS*, 809 F.2d 1050, 1052 (5th Cir. 1986); *see also Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Insofar as Mytyuk has adduced additional evidence outside of the administrative record, it is not considered. *See* 8 U.S.C. § 1252(b)(4)(A); *Goonsuwan v. Ashcroft*, 252 F.3d 383, 391 n.15 (5th Cir. 2001).

PETITION DENIED; MOTION FOR DISCOVERY DENIED.