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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GONZALO VICENTE ALVARADO-MATUL, Petitioner, v. ERIC H. HOLDER Jr., Attorney General, Respondent.	No. 06-75702 Agency No. A072-682-759 MEMORANDUM*

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

Submitted September 14, 2009**

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Gonzalo Vicente Alvarado-Matul, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order dismissing his

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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).

KV/Research

appeal from an immigration judge's decision denying his application for withholding of removal and relief under the Convention Against Torture ("CAT"). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Don v. Gonzales*, 476 F.3d 738, 741 (9th Cir. 2007), and we deny the petition for review.

Substantial evidence supports the agency's adverse credibility determination based on both Alvarado-Matul's inconsistent testimony regarding the timing and circumstances of the government agents' visit to his uncle, *see Chebchoub v. INS*, 257 F.3d 1038, 1043-44 (9th Cir. 2001), and Alvarado-Matul's admission he lied to immigration officials about his date of entry, *see Don*, 476 F.3d at 742. In the absence of credible testimony, Alvarado-Matul's withholding of removal claim fails. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Alvarado-Matul's CAT claim is based on testimony the agency found not credible, and there is no evidence in the record that compels a finding that it is more likely than not he would be tortured if returned to Guatemala, his CAT claim fails. *See id*. at 1156-57.

We reject Alvarado-Matul's contentions that the BIA's decision violated due process. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error for due process violation).

PETITION FOR REVIEW DENIED.