

DEC 02 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HTIN LIN,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 05-73547

Agency No. A079-594-596

MEMORANDUM\*

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

Submitted November 17, 2009\*\*

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Htin Lin, a native and citizen of Myanmar, petitions for review of the Board of Immigration Appeals' order affirming an immigration judge's decision denying his application for asylum and withholding of removal. We have jurisdiction under

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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).

8 U.S.C. § 1252. We review for substantial evidence adverse credibility findings, *Chebchoub v. INS*, 257 F.3d 1038, 1043 (9th Cir. 2001), and we deny the petition for review.

The agency found Lin not credible in part because of an inconsistency regarding his membership in the All Burma Student Democratic Front. Because this inconsistency goes to the heart of Lin's claim, and the agency reasonably rejected Lin's proffered explanation for the inconsistency, substantial evidence supports the adverse credibility determination. *See Wang v. INS*, 352 F.3d 1250, 1259 (9th Cir. 2003) ("So long as one of the identified grounds is supported by substantial evidence and goes to the heart of [petitioner's] claim of persecution, we are bound to accept the [agency's] adverse credibility finding."). Accordingly, in the absence of credible testimony, Lin failed to establish eligibility for asylum and withholding of removal. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

**PETITION FOR REVIEW DENIED.**