

FEB 22 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

| |
|--|
| <p>MICHAEL FNU,</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> |
|--|

No. 06-74751

Agency No. A096-361-111

MEMORANDUM*

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

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Michael FNU, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for withholding of removal. We have

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

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence adverse credibility determinations, and reverse only if the evidence compels a contrary conclusion. *See Singh v. Gonzales*, 439 F.3d 1100, 1105 (9th Cir. 2006). We deny the petition for review.

The agency found petitioner not credible because he omitted from his original asylum application three incidents which allegedly precipitated his flight from Indonesia. Petitioner asserted that in these incidents, he was detained, threatened, and interrogated, and on two occasions, that he was brutally beaten to the point of unconsciousness. Substantial evidence supports this adverse credibility determination. *See Alvarez-Santos v. INS*, 332 F.3d 1245, 1254 (9th Cir. 2003) (petitioner's omission of a "dramatic, pivotal" event from asylum application supported agency's adverse credibility determination). In the absence of credible testimony, petitioner's withholding of removal claim fails. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.