

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

APR 14 2010

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

HUIQIN YANG,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-71243

Agency No. A095-316-176

MEMORANDUM *

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

Submitted April 5, 2010**

Before: RYMER, McKEOWN, and PAEZ, Circuit Judges.

Huiqin Yang, a native and citizen of China, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying her application for asylum, withholding of removal, and relief

* 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).

under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Tekle v. Mukasey*, 533 F.3d 1044, 1051 (9th Cir. 2008), and we deny the petition for review.

Substantial evidence supports the agency’s adverse credibility determination because Yang’s asylum application omitted that police shocked her with an electric baton, and the omission goes to the heart of her claim. *See Li v. Ashcroft*, 378 F.3d 959, 962-64 (9th Cir. 2004). In the absence of credible testimony, Yang’s asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Yang’s CAT claim is based on the same statements found to be not credible, and she does not point to any other evidence in the record that compels the conclusion she would more likely than not be tortured if returned to China, substantial evidence supports the agency’s denial of CAT relief. *See id.* at 1156-1157.

PETITION FOR REVIEW DENIED.