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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GUMERCINDO EVERISARIO
CUCHILLA-VENTURA,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-72876

Agency No. A079-417-450

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.

Gumercindo Everisario Cuchilla-Ventura, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his applications for asylum, withholding of removal, and protection under the

* 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).

Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence factual findings, *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 the discrepancies between Cuchilla-Ventura’s testimony and his sworn statements during his airport interview as to why he came to the United States. *See Li v. Ashcroft*, 378 F.3d 959, 962-63 (9th Cir. 2004) (when petitioner gives entirely different reasons for arrival in United States, discrepancy between testimony and sworn airport interview constitutes substantial evidence). Cuchilla-Ventura’s contention that the agency failed to produce any evidence regarding the airport interview is belied by the record. Substantial evidence also supports the agency’s adverse credibility determination based on the discrepancies between Cuchilla-Ventura’s testimony and his asylum application regarding the location of the attacks he suffered in El Salvador. *See id.* Further, because the agency had reason to question Cuchilla-Ventura’s credibility, Cuchilla-Ventura’s inability to corroborate his membership in the church youth group undermines his claim. *See Sidhu v. INS*, 220 F.3d 1085, 1091-92 (9th Cir. 2000). Accordingly, in the absence of credible testimony, Cuchilla-Ventura’s asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Cuchilla-Ventura's CAT claim is based on the 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 El Salvador, his CAT claim fails. *See id.* at 1156-57.

PETITION FOR REVIEW DENIED.