

APR 19 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

INDRID YOLANDA SANTOS-CANAS,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-73497

Agency No. A097-832-174

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.

Indrid Yolanda Santos-Canas, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's ("IJ") decision denying her application for asylum, withholding of removal, and protection under the Convention Against Torture

* 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).

(“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence adverse credibility findings, *Kaur v. Gonzales*, 418 F.3d 1061, 1064 (9th Cir. 2005), and we deny the petition for review.

Substantial evidence supports the IJ’s adverse credibility finding because the repeated and significant inconsistencies in Santos-Canas’ testimony and between her testimony and declaration concern events that go to the heart of her claim. See *Chebcoub v. INS*, 257 F.3d 1038, 1043 (9th Cir. 2001). In the absence of credible testimony, Santos-Canas failed to demonstrate eligibility for asylum or withholding of removal. See *Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Substantial evidence supports the IJ’s denied of CAT relief because Santos-Canas did not establish a likelihood of torture by, at the instigation of, or with the consent or acquiescence of the Guatemalan government. See *Arteaga v. Mukasey*, 511 F.3d 940, 948-49 (9th Cir. 2007).

PETITION FOR REVIEW DENIED.