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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>QIAOLI ZHONG,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>

No. 05-70745

Agency No. A095-181-283

MEMORANDUM*

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

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Qiaoli Zhong, a native and citizen of China, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum, withholding of removal, and protection under the Convention Against Torture. We have jurisdiction under 8

* 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).

U.S.C. § 1252. We review for substantial evidence, *Husyev v. Mukasey*, 528 F.3d 1172, 1177 (9th Cir. 2008), and we grant the petition for review, and remand.

Substantial evidence does not support the agency's adverse credibility determination. *See Bandari v. INS*, 227 F.3d 1160, 1165 (9th Cir. 2000). The inconsistencies as to whether the police officers who beat Zhong were in plainclothes, and the discrepancies between Zhong's testimony and the hospital report regarding bruises on his forehead, are minor discrepancies in relation to Zhong's otherwise detailed, consistent testimony of the beating, and his documentation of other more serious injuries. *See id.* at 1166-67 (minor discrepancies, in light of otherwise consistent testimony, could not form the basis for an adverse credibility determination).

Accordingly, we grant the petition for review, and remand for the agency to consider Zhong's claims for relief, taking his testimony as true. *See Soto-Olarte v. Holder*, 555 F.3d 1089, 1093-96 (9th Cir. 2009); *see also INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam).

PETITION FOR REVIEW GRANTED; REMANDED.