

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 02 2010

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

XIN AN LI; JUN SHI,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 05-70586

Agency Nos. A073-920-975
A072-880-831

MEMORANDUM*

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

Argued and Submitted June 15, 2010
San Francisco, California

Before: SCHROEDER and BYBEE, Circuit Judges, and GONZALEZ, Chief
District Judge.**

Jun Shi, and derivatively her husband, Xin An Li, both natives and citizens
of China, petition for review of the Board of Immigration Appeals's ("BIA")
decision affirming an Immigration Judge's ("IJ") denial of Shi's applications for

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

** The Honorable Irma E. Gonzalez, United States District Judge for the
Southern District of California, sitting by designation.

asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252.

Substantial evidence supports the IJ’s and BIA’s adverse credibility finding. Shi testified inconsistently in the original asylum proceedings and in the reopened proceedings about whether she wanted additional children in China, and Shi failed to adequately explain this inconsistency, even though she was given three opportunities to do so. *See Rivera v. Mukasey*, 508 F.3d 1271, 1275 (9th Cir. 2007). The discrepancy went to the heart of Shi’s claim for relief, because her inconsistent later testimony about her desire to have had more children in China was used to support her later claim that the abortions were forced. *See Don v. Gonzales*, 476 F.3d 738, 741 (9th Cir. 2007). Further, Shi’s decision to have two abortions in the United States to avoid the social and economic pressures of raising additional children supports the inference drawn by the IJ that Shi had her six abortions in China to avoid these same pressures and not, as Shi later claimed, because the government coerced her into having the abortions.

Petition for review **DENIED**.