

SEP 22 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>YANHUA CHEN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 07-74380

Agency No. A095-852-503

MEMORANDUM*

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

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN and N.R. SMITH, Circuit Judges.

Yanhua Chen, a native and citizen of China, petitions for review of a Board of Immigration Appeals’ order dismissing her appeal from an immigration judge’s (“IJ”) decision denying her application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction under

* 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).

8 U.S.C. § 1252. We review for substantial evidence adverse credibility findings. *Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003). We deny the petition for review.

Substantial evidence supports the IJ's adverse credibility finding because Chen's omission of her arrest and detention on her visa application goes to the heart of her claim of persecution, *see Chebchoub v. INS*, 257 F.3d 1038, 1043 (9th Cir. 2001), and Chen's documentary evidence does not overcome this inconsistency, *see Oropeza-Wong v. Gonzales*, 406 F.3d 1135, 1148 (9th Cir. 2005) (documentary evidence did not compel a contrary conclusion). In the absence of credible testimony, Chen's asylum and withholding of removal claims fail. *See Farah*, 348 F.3d at 1156.

Because Chen's CAT claim is based on the testimony the IJ found not credible, and she points to no evidence showing it is more likely than not she will be tortured in China, her CAT claim also fails. *Id.* at 1156-57.

PETITION FOR REVIEW DENIED.