

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TESFAYE AMAN ANSHEBO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-74875

Agency No. A095-323-450

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and THOMAS, Circuit Judges.

Tesfaye Aman Anshebo, a native and citizen of Ethiopia, 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 (“CAT”). We have

* 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).

jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence an adverse credibility determination, *Rivera v. Mukasey*, 508 F.3d 1271, 1274 (9th Cir. 2007), and we deny the petition for review.

Substantial evidence supports the agency's adverse credibility finding based on inconsistencies in Anshebo's testimony regarding the harm he suffered during his detentions, *see Kohli v. Gonzales*, 473 F.3d 1061, 1071 (9th Cir. 2007), and inconsistencies between his testimony and declaration concerning whether he returned to Ethiopia after he was detained, *see Chebchoub v. INS*, 257 F.3d 1038, 1043 (9th Cir. 2001). In the absence of credible testimony, Anshebo's asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Finally, because Anshebo's CAT claim is based on testimony the agency found not credible, and he points to no other evidence to show it is more likely than not he would be tortured if returned to Ethiopia, his CAT claim fails. *See id.* at 1156-57.

PETITION FOR REVIEW DENIED.