

JUN 27 2011

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

LINYU WANG,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-73157

Agency No. A075-759-735

MEMORANDUM*

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

Submitted June 15, 2011**

Before: CANBY, O’SCANNLAIN, and FISHER, Circuit Judges.

Linyu Wang, 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 relief under the Convention Against Torture (“CAT”). 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 the agency's adverse credibility determinations. *Li v. Ashcroft*, 378 F.3d 959, 962 (9th Cir. 2004). We deny the petition for review.

Substantial evidence supports the agency's adverse credibility determination because Wang's testimony was internally inconsistent and inconsistent with supporting documents regarding both the central incident of harm he allegedly suffered and when he was fired from his factory job. *See Don v. Gonzales*, 476 F.3d 738, 741-43 (9th Cir. 2007). In the absence of credible testimony, Wang's asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Wang's CAT claim is based on the same testimony found to be not credible, and he does not point to any other evidence that compels the conclusion that it is more likely than not he would be tortured if returned to China, his CAT claim fails. *See id.* at 1156-57.

PETITION FOR REVIEW DENIED.