

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 21 2011

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

JIAJU ZHAO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-73127

Agency No. A095-196-493

MEMORANDUM*

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

Submitted October 14, 2011**
Pasadena, California

Before: PREGERSON and BYBEE, Circuit Judges, and DAVIDSON, Senior
District Judge.***

Jiaju Zhao (“Zhao”), a native and citizen of China, petitions this court for
review of the decision of the Board of Immigration Appeals (“BIA”) denying his

* 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).

*** The Honorable Glen H. Davidson, Senior District Judge for the U.S.
District Court for Northern Mississippi, sitting by designation.

applications for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We dismiss Zhao’s asylum claim for lack of jurisdiction to review findings of fact going to the timeliness of asylum petitions. 8 U.S.C. § 1158(a)(3). We have jurisdiction over Zhao’s remaining claims and we deny Zhao’s petition for review over those claims.

We review the BIA’s adverse credibility determination under a substantial evidence standard. Guo v. Ashcroft, 361 F.3d 1194, 1199 (9th Cir. 2004). This court must accept the adverse credibility determination if no reasonable factfinder would be compelled to conclude differently. Kin v. Holder, 595 F.3d 1050, 1054 (9th Cir. 2010). In this case, the Immigration Judge did not find Zhao’s testimony to be credible. Overall, it is unlikely that any reasonable factfinder would be compelled to reach a different conclusion. Therefore, Zhao’s withholding of removal claim fails. Zhao’s claim for protection under CAT is forfeited.

For these reasons, this petition is DISMISSED in part and DENIED in part.