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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GEORGEL LAURENTIU DOBRICA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 10-70487

Agency No. A089-554-427

MEMORANDUM*

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

Submitted July 17, 2012**

Before: SCHROEDER, THOMAS, and SILVERMAN, Circuit Judges.

Georgel Laurentiu Dobrica, a native and citizen of Romania, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) 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”).

* 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).

We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings, applying the new standards governing adverse credibility determinations created by the Real ID Act. *Shrestha v. Holder*, 590 F.3d 1034, 1039 (9th Cir. 2010). We deny the petition for review.

Substantial evidence supports the agency's adverse credibility determination based on the omission from Dobrica's asylum application and original declaration that he was physically assaulted three times because of his Roma ethnicity. *See Zamanov v. Holder*, 649 F.3d 969, 973-74 (9th Cir. 2011). Dobrica's explanation does not compel a contrary conclusion. *See id.* at 974. In the absence of credible testimony, Dobrica's asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Dobrica's CAT claim is based on the same testimony the agency found not credible, and he points to no other evidence showing it is more likely than not he will be tortured if returned to Romania, his CAT claim also fails. *See id.* at 1156-57; *Shrestha*, 590 F.3d at 1048-49.

Contrary to Dobrica’s contentions, the BIA sufficiently addressed his withholding of removal and CAT claims. *See Farah*, 348 F.3d at 1156; *Lopez v. Ashcroft*, 366 F.3d 799, 807 n.6 (9th Cir. 2004) (“[t]he [BIA] does not have to write an exegesis on every contention.”).

PETITION FOR REVIEW DENIED.