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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BLANCA MARISOL PINEDA-GARCIA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-73663

Agency No. A098-358-538

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.

Blanca Marisol Pineda-Garcia, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's decision denying her 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.

The BIA concluded Pineda-Garcia was not credible for a number of reasons, including her lack of knowledge of the content of the flyers she distributed and the omission in her asylum application of one of three claimed incidents of harm. Substantial evidence supports the BIA's finding. *See id.* at 1048 (adverse credibility finding reasonable under totality of the circumstances). Accordingly, we deny the petition as to Pineda-Garcia's asylum and withholding of removal claims. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Pineda-Garcia's CAT claim is based on the same testimony the BIA found not credible, and she does not point to any other evidence showing it is more likely than not she will be tortured if returned to El Salvador, her CAT claim also fails. *See id.* at 1156-57.

PETITION FOR REVIEW DENIED.