

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 20 2013

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

SHAKILA RAHMAN; ANIS UR
RAHMAN MULLICK,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-71616

Agency Nos. A098-442-103
A098-442-104

MEMORANDUM*

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

Submitted May 14, 2013**

Before: LEAVY, THOMAS, and MURGUIA, Circuit Judges.

Shakila Rahman and Anis Ur Rahman Mullick, natives and citizens of Bangladesh, petition for review of the Board of Immigration Appeals' order dismissing their appeal from an immigration judge's decision denying their application for asylum, withholding of removal, and protection under the

* 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).

Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings, *Chebchoub v. INS*, 257 F.3d 1038, 1042 (9th Cir. 2001), and we deny the petition for review.

Substantial evidence supports the agency’s adverse credibility determination based on the inconsistencies between Rahman’s testimony and written statement regarding a central incident of the harm Rahman allegedly suffered from Muslim extremists. *See id.* at 1043 (inconsistencies relating to “the events leading up to [petitioner’s] departure and the number of times he was arrested” went to the heart of the claim). The agency reasonably rejected Rahman’s explanations for the inconsistencies. *See Rivera v. Mukasey*, 508 F.3d 1271, 1275 (9th Cir. 2007). In the absence of credible testimony, petitioners’ asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Rahman’s CAT claim also fails because it is based on the same testimony found not credible, and she does not point to any other evidence that shows it is more likely than not she would be tortured if returned to Bangladesh. *See id.* at 1156-57.

PETITION FOR REVIEW DENIED.