

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 15 2013

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

JI HUI CAO,

Petitioner,

v.

ERIC H. HOLDER JR., Attorney General,

Respondent.

No. 11-73621

Agency No. A088-465-503

MEMORANDUM*

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

Submitted August 13, 2013**
San Francisco, California

Before: HAWKINS, THOMAS, and McKEOWN, Circuit Judges.

Ji Hui Cao (“Cao”), a native and citizen of China, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

substantial evidence the agency’s factual findings, applying the standards governing adverse credibility determinations created by the REAL ID Act, *Shrestha v. Holder*, 590 F.3d 1034, 1039–40 (9th Cir. 2010), and deny the petition for review.

Substantial evidence supports the BIA’s adverse credibility determination based on inconsistencies between Cao’s testimony and his brother’s testimony regarding the circumstances of Cao’s wife’s forced sterilization. *See Shrestha*, 590 F.3d at 1048 (adverse credibility determination reasonable under totality of the circumstances). Because it is not the case that “any reasonable adjudicator would be compelled to conclude” that Cao is credible, 8 U.S.C. § 1252(b)(4)(B), we uphold the agency’s adverse credibility determination. In the absence of credible testimony, Cao’s asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

PETITION DENIED.