

AUG 16 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

YUNQIN ZHENG,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-72936

Agency No. A088-484-829

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.

Yunqin Zheng petitions for review from the Board of Immigration Appeals' decision denying her claims for asylum and withholding of removal. We deny the petition for review. Because the parties are familiar with the history of this case, we need not recount it here.

* 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).

Substantial evidence supports the immigration judge's (IJ's) adverse credibility determination, which the Board adopted and affirmed. The IJ found Zheng's testimony that she worked forty-hour weeks inconsistent with her later testimony that she worked seven days a week for eight or nine hours a day. Zheng had two opportunities to explain this inconsistency but did not do so. Though "trivial inconsistencies" cannot support an adverse credibility finding, *Shrestha v. Holder*, 590 F.3d 1034, 1044 (9th Cir. 2010), this inconsistency about Zheng's hours was significant because much of Zheng's testimony concerned her claim that her work schedule prevented her from attending church more frequently. Therefore, we deny the petition for review on the basis of this inconsistency without opining on the sufficiency of the rest of the IJ's reasons for finding Zheng not credible. *See Rizk v. Holder*, 629 F.3d 1083, 1088 (9th Cir. 2011) ("we must uphold the IJ's adverse credibility determination so long as even one basis is supported by substantial evidence").

Substantial evidence supports the Board's determination that Zheng failed to establish a well-founded fear of persecution based on evidence or testimony independent of her own non-credible testimony. *See Gu v. Gonzales*, 454 F.3d 1014, 1021-22 (9th Cir. 2006).

PETITION DENIED.