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U.S. COURT OF APPEALS

NOT FOR PUBLICATION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

JI CAI QIU,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

No. 09-74125

Agency No. A096-233-695

MEMORANDUM*

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

Submitted November 6, 2013**
Pasadena, California

Before: O’SCANNLAIN, GRABER, and BEA, Circuit Judges.

Ji Cai Qiu, a native and citizen of China, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an Immigration Judge’s (“IJ”) decision denying his application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction under

* 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).

8 U.S.C. § 1252. We review findings of fact, including adverse credibility determinations, for substantial evidence. *See Shrestha v. Holder*, 590 F.3d 1034, 1039 (9th Cir. 2010). We deny the petition for review.

Substantial evidence that supports the agency’s adverse credibility determination includes the inconsistencies regarding Qiu’s wife’s third pregnancy and forced abortion. These credibility issues “go to the heart” of Qiu’s claimed fear of forced sterilization if he returns to China. *Singh v. Gonzales*, 439 F.3d 1100, 1105 (9th Cir. 2006) (internal quotation marks omitted). In the absence of credible testimony, Qiu’s asylum and withholding of removal claims fail. *Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Qiu’s CAT claim rests on the same testimony that the IJ found to be not credible, and Qiu does not point to any other evidence that shows it is more likely than not he would be tortured if returned to China, his CAT claim also fails. *See id.* at 1156–57.

For the foregoing reasons, we DENY Qiu’s petition for review.