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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

YEN HE, AKA Yan He,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-72362

Agency No. A088-018-013

MEMORANDUM\*

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

Submitted January 20, 2016\*\*

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges

Yen He, a native and citizen of China, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the

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\* 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).

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). We deny the petition for review.

Substantial evidence supports the agency's adverse credibility determination based on the inconsistencies regarding whether He's parents were Christian and regarding He's arrest in China. *See id.* at 1048 (adverse credibility determination reasonable under the totality of the circumstances); *see also Li v. Ashcroft*, 378 F.3d 959, 963 (9th Cir. 2004) (holding substantial evidence supported adverse credibility finding based on material discrepancies between airport interview and in-court testimony). We reject He's arguments that the credible fear interview notes are unreliable in this instance. *See Li*, 378 F.3d at 963. In the absence of credible testimony, He's asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

The 90-day stay of proceedings that began on January 28, 2015, has expired. Respondent's motion to lift the stay is denied as moot.

**PETITION FOR REVIEW DENIED.**