

JAN 26 2016

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

NOT FOR PUBLICATION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

LI WAN,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-72834

Agency No. A089-978-325

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.

Li Wan, 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, withholding of removal, and relief under the Convention Against Torture. We have jurisdiction under 8 U.S.C. §

* 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).

1252. We review for substantial evidence the agency's factual findings, *Ren v. Holder*, 648 F.3d 1079, 1083 (9th Cir. 2011), and we grant the petition for review.

The agency found Wan failed to present sufficient corroborating evidence to meet his burden of proof to demonstrate eligibility for relief. Substantial evidence does not support the agency's finding. *See Zhi v. Holder*, 751 F.3d 1088, 1095 (9th Cir. 2014) (holding that the immigration judge erred in not providing the petitioner notice that he was required to present the corroborative evidence referred to in her decision or the opportunity to explain why it might be unavailable). Thus, we grant the petition for review and remand Wan's claims to the agency for further proceedings consistent with this disposition. *See INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam).

PETITION FOR REVIEW GRANTED; REMANDED.