

FILED

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

APR 29 2016

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

YONGJIAN SONG,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-74224

Agency No. A087-430-305

MEMORANDUM*

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

Submitted April 26, 2016**

Before: McKEOWN, WARDLAW, and PAEZ, Circuit Judges.

Yongjian Song, a native and citizen of China, petitions pro se 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 ("CAT"). We have

* 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).

jurisdiction under 8 U.S.C. § 1252. We review for 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 we deny the petition for review.

Substantial evidence supports the agency's adverse credibility determination based on the inconsistencies regarding Song's bail receipt, the dates of his arrest and last church meeting in China, and his vague and nonresponsive testimony. See *Shrestha*, 590 F.3d at 1045, 1048 (adverse credibility determination was reasonable under the totality of the circumstances). Song's explanations do not compel the contrary result. See *Lata v. INS*, 204 F.3d 1241, 1245 (9th Cir. 2000). In the absence of credible testimony, Song's asylum and withholding of removal claims fail. See *Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Finally, Song's CAT claim also fails because it is based on the same testimony the agency found not credible, and Song does not point to any evidence that otherwise compels the conclusion that it is more likely than not he would be tortured if returned to China. See *id.* at 1156-57.

PETITION FOR REVIEW DENIED.