

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MAY 2 2016

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

XINQING SUN,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-71552

Agency No. A087-850-661

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.

Xinqing Sun, a native and citizen of China, petitions for review of the Board of Immigration Appeals' ("BIA") 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

* 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).

under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings, applying the standards created by the REAL ID Act. *Ren v. Holder*, 648 F.3d 1079, 1083-84 (9th Cir. 2011). We deny the petition for review.

The BIA affirmed the IJ's alternative determination that Sun failed to meet his burden of proof because, despite having notice and an opportunity to respond to the IJ's request for corroborative evidence, Sun did not provide the requested evidence or a persuasive explanation for his failure to do so. The record does not compel reversal of the BIA's conclusion. *See id.* at 1094. Thus, we deny the petition for review as to Sun's asylum and withholding of removal claims. *See id.*

Further, substantial evidence supports the denial of Sun's CAT claim because he did not establish it is more likely than not he would be tortured by or with the consent or acquiescence of the government if returned to China. *See Aden v. Holder*, 589 F.3d 1040, 1047 (9th Cir. 2009).

PETITION FOR REVIEW DENIED.