

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 22 2016

FOR THE NINTH CIRCUIT

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

JAAFAR AL AMMARAH, AKA Jaafar Al
Amarah, and SUHA SAMAD AL DIWAN,

Petitioners,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-71707

Agency Nos. A078-411-874
A078-411-876

MEMORANDUM*

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

Submitted June 14, 2016**

Before: BEA, WATFORD, and FRIEDLAND, Circuit Judges.

Jaafar Al Ammarah and Suha Samad Al Diwan, natives and citizens of Iraq, petition for review of the Board of Immigration Appeals' ("BIA") order dismissing their appeal from an immigration judge's decision denying their application for asylum, withholding of removal, and relief under the Convention Against Torture

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2).*

(“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s adverse credibility determination. *Zamanov v. Holder*, 649 F.3d 969, 973 (9th Cir. 2011). We deny the petition for review.

Substantial evidence supports the agency’s adverse credibility determination because the inconsistencies as to the timing and circumstances of Al Ammarah’s detention, his brother’s arrest, and Al Ammarah going into hiding go to the heart of his claim of persecution in Iraq. *See id.* (“inconsistencies regarding events that form the basis of the asylum claim are sufficient to support an adverse credibility determination”) (citation omitted). In the absence of credible testimony, petitioners’ asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Petitioners’ CAT claim also fails because it is based on the same testimony the agency found not credible, and petitioners do not point to any evidence that compels the finding it is more likely than not they would be tortured by or with the consent or acquiescence of the government if returned to Iraq. *See id.* at 1156-57.

PETITION FOR REVIEW DENIED.