

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 15 2019

FOR THE NINTH CIRCUIT

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

ZHENGXUAN LIN,

No. 18-71057

Petitioner,

Agency No. A209-772-225

v.

MEMORANDUM*

WILLIAM P. BARR, Attorney General,

Respondent.

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

Submitted March 12, 2019**

Before: LEAVY, BEA and N.R. SMITH, Circuit Judges.

Zhengxuan Lin, 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 ("CAT"). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings,

* 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).

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 Lin's demeanor during his testimony and Lin's failure to produce reasonably available corroborative evidence. *See Huang v. Holder*, 744 F.3d 1149, 1153, 1155 (9th Cir. 2014) (noting that the "need for deference is particularly strong in the context of demeanor assessments" and citing the lack of corroborating evidence as a basis for the adverse credibility determination); *see also Shrestha*, 590 F.3d at 1048 (adverse credibility finding reasonable under the totality of the circumstances). Lin's explanations do not compel a contrary conclusion. *See Lata v. INS*, 204 F.3d 1241, 1245 (9th Cir. 2000). Further, substantial evidence supports the agency's finding that Lin's corroborative evidence did not independently establish his eligibility for relief. *See Garcia v. Holder*, 749 F.3d 785, 791 (9th Cir. 2014). Thus, in the absence of credible testimony, Lin's asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Finally, Lin's CAT claim fails because it is based on the same testimony the

agency found not credible, and Lin does not point to any other evidence in the record that compels the conclusion that it is more likely than not he would be tortured by or with the consent or acquiescence of the government of China. *See id.* at 1156-57.

PETITION FOR REVIEW DENIED.