

AUG 10 2020

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JIAYOU SUN,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 14-73519

Agency No. A087-604-898

MEMORANDUM*

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

Submitted August 4, 2020**
San Francisco, California

Before: THOMAS, Chief Judge, and HAWKINS and McKEOWN, Circuit Judges.

Jiayou Sun, a citizen of China, petitions for review of the Board of Immigration Appeals' ("BIA") order affirming an immigration judge's ("IJ") decision denying his application for asylum, withholding or removal, and

* 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).

protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition for review.

Substantial evidence supports the BIA’s adverse credibility finding, which was based on inconsistencies in Sun’s testimony regarding when his wife was forced to have an intrauterine device placed by the Chinese government. *See Shrestha v. Holder*, 590 F.3d 1034, 1039–40 (9th Cir. 2014); *see also Chawla v. Holder*, 599 F.3d 998, 1001 (9th Cir. 2010) (“Our review is limited to the BIA’s decision concerning the adverse credibility finding.”). This inconsistency went to the heart of Sun’s claim that he suffered persecution on account of his violation of China’s one child policy, and thus the IJ and Board permissibly found Sun not credible. *See Li v. Holder*, 738 F.3d 1160, 1163 (9th Cir. 2003). Therefore, the denial of his application for asylum and withholding of removal was supported by substantial evidence. *See Shrestha*, 590 F.3d at 1047–48.

Because Sun offered no other evidence in support of his claim for protection under the CAT apart from the testimony that the agency found not credible, the Board properly affirmed the IJ’s denial on that claim as well. *See id.* at 1049.

PETITION DENIED.