

FILED

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAMAAL HUSEEN ALIYYI,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 19-71826

Agency No. A215-815-491

MEMORANDUM\*

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

Argued and Submitted October 21, 2020  
San Francisco, California

Before: HAWKINS, N.R. SMITH, and R. NELSON, Circuit Judges.

Jamaal Aliyyi, a native and citizen of Ethiopia, petitions for review of the denial of his application for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”) by the Board of Immigration

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

Appeals (“BIA”). We have jurisdiction under 8 U.S.C. § 1252 and deny the petition for review.

The immigration judge (“IJ”) found Aliyyi not credible, and the BIA concluded that the IJ’s finding was not clearly erroneous. Substantial evidence supports the adverse credibility determination based on inconsistencies in Aliyyi’s testimony about his passport and omissions about the harm suffered by his brothers and father.<sup>1</sup> See *Lizhi Qiu*, 944 F.3d at 842. The record supports the cited inconsistencies and omissions. See *Shrestha v. Holder*, 590 F.3d 1034, 1048 (9th Cir. 2010) (“In the totality of circumstances it was a reasonable adverse credibility determination, grounded in the record and based on real problems with [petitioner’s] testimony, not mere trivialities.”). Aliyyi failed to adequately explain the inconsistencies and omissions, and the evidence Aliyyi relies upon to support his claim does not compel us to a contrary conclusion. See *Lata v. INS*, 204 F.3d 1241, 1245 (9th Cir. 2000).

Thus, absent credible testimony, the BIA properly denied Aliyyi’s claims for asylum and withholding of removal. See *Farah v. Ashcroft*, 348 F.3d 1153,

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<sup>1</sup> We need not address Aliyyi’s arguments regarding the other cited reasons for the adverse credibility finding, because “[w]e must uphold an adverse credibility determination ‘so long as even one basis is supported by substantial evidence.’” *Lizhi Qiu v. Barr*, 944 F.3d 837, 842 (9th Cir. 2019) (quoting *Rizk v. Holder*, 629 F.3d 1083, 1088 (9th Cir. 2011)).

1156 (9th Cir. 2003). The BIA also properly denied Aliyyi's claim for CAT relief, because it was based on the same testimony found not credible, and he does not point to any other evidence in the record which would compel a conclusion that he would be tortured by or with the consent or acquiescence of the Ethiopian government. *See id.* at 1156-57.

**PETITION FOR REVIEW DENIED.**