

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 23 2026

FOR THE NINTH CIRCUIT

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

JOSE FRANCISCO RIVERA-ESCOBAR,

No. 21-1105

Petitioner,

Agency No.

v.

A209-829-982

TODD BLANCHE, Attorney General,

MEMORANDUM*

Respondent.

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

Submitted October 20, 2026**
San Francisco, California

Before: CALLAHAN and LEE, Circuit Judges, and EZRA, *** District Judge.

Jose Francisco Rivera-Escobar, a native and citizen of El Salvador, petitions pro se for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's ("IJ") decision denying his applications for asylum,

* 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).

*** The Honorable David A. Ezra, United States District Judge for the District of Hawaii, sitting by designation.

withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review under the deferential substantial evidence standard. *See, e.g., Ruiz-Colmenares v. Garland*, 25 F.4th 742, 748 (9th Cir. 2022). We consider the evidence upon which the agency based its factual findings, applying the standards governing adverse credibility determinations under the REAL ID Act. *Shrestha v. Holder*, 590 F.3d 1034, 1039–40 (9th Cir. 2010). We deny the petition for review.

1. Substantial evidence supports the agency’s adverse credibility determination. An IJ may base his or her adverse credibility determination on the “totality of the circumstances” including “the consistency between the applicant’s or witness’s written and oral statements . . . , the consistency of such statements with other evidence of record . . . , and any inaccuracies or falsehoods in such statements.” 8 U.S.C. § 1158(b)(1)(B)(iii). The IJ’s consideration of this evidence is “without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant’s claim, or any other relevant factor.” *Id.* And an IJ may determine that “even minor inconsistencies . . . have a legitimate impact” on an applicant’s or a witness’s credibility. *Li v. Garland*, 13 F.4th 954, 961 (9th Cir. 2021). Based on the inconsistencies between Rivera-Escobar’s testimony and documentary evidence regarding the duration of the August 2016 police beating, the identity of the person fleeing from the police, and what happened to the individuals whom Rivera-Escobar

claims were with him at the time of the beating, substantial evidence supports the IJ's finding that Rivera-Escobar was not credible. *See id.* Rivera-Escobar's explanations do not compel a contrary conclusion. *See Lata v. INS*, 204 F.3d 1241, 1245 (9th Cir. 2000) (concluding that an "isolated incident . . . cannot alone support a contention of persecution"). In the absence of credible testimony in this case, Rivera-Escobar's asylum and withholding of removal claims must fail. *See Pedro-Mateo v. INS*, 224 F.3d 1147, 1150 (9th Cir. 2000) ("A failure to satisfy the lower standard of proof required to establish eligibility for asylum therefore necessarily results in a failure to demonstrate eligibility for withholding of deportation.").

2. Substantial evidence also supports the agency's denial of Rivera-Escobar's CAT claim. His claim was based on the same evidence of the August 2016 police beating that the IJ found not credible. Additionally, Rivera-Escobar 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 if returned to El Salvador. *See Shrestha*, 590 F.3d at 1048–49.

The motion (Docket Entry No. 24) to withdraw the non-opposition to the motion to stay removal is granted.

The motion to stay removal (Docket Entry No. 2) is denied.

PETITION FOR REVIEW DENIED.