NOT FOR PUBLICATION

FILED

OCT 28 2026

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DONGRONG LV, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 25-1348 Agency No. A215-515-043 MEMORANDUM[*]

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

Submitted October 26, 2026[**]
Seattle, Washington

Before: M. SMITH, CHRISTEN, and MILLER, Circuit Judges.

Dongrong Lv, a native and citizen of the People's Republic of China, seeks review of a decision of the Board of Immigration Appeals (BIA) affirming the denial of her claims for asylum, withholding of removal, and relief under the Convention Against Torture (CAT). In her petition for review, Lv challenges: (1)

[*] 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 adverse credibility finding; and (2) the BIA's determination that the country conditions evidence did not establish that Lv will face a clear probability of future torture if removed. Because the parties are familiar with the facts, we do not recount them here. We have jurisdiction pursuant to 8 U.S.C. § 1252. We deny the petition.

Where the BIA cites *Matter of Burbano*, 20 I. & N. Dec. 872, 874 (BIA 1994), and provides its own reasoning, we review both the Immigration Judge's and the BIA's decisions. *Rudnitskyy v. Garland*, 82 F.4th 742, 746 (9th Cir. 2023). We review questions of law de novo and factual findings for substantial evidence. *Id*.

1. Adverse Credibility Determination. Lv challenges the adverse credibility finding. The BIA affirmed the adverse credibility determination based on "numerous material inconsistencies and omissions contained in the record"—most significantly, Lv's omission from her original claim of her later assertion that she was forced to have an abortion in 1991. We review adverse credibility findings for substantial evidence. *Wang v. Sessions*, 861 F.3d 1003, 1007 (9th Cir. 2017). "Under this standard, we must uphold the agency determination unless the evidence compels a contrary conclusion." *Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1028 (9th Cir. 2019).

Substantial evidence supports the agency's adverse credibility finding based

on Lv's failure to mention the 1991 abortion in her original statement to the asylum officer. *See Zamanov v. Holder*, 649 F.3d 969, 973–74 (9th Cir. 2011) (upholding adverse credibility finding because petitioner's omissions did not constitute "a mere lack of detail" but "went to the core of his alleged fear of political persecution" and "materially altered his entire story in a way that cast doubt on his credibility"); *Silva-Pereira v. Lynch*, 827 F.3d 1176, 1185 (9th Cir. 2016) (upholding adverse credibility finding where omissions involved "new allegations that tell a much different—and more compelling—story of persecution than the initial [asylum] application" (citation modified)).

In the absence of credible testimony or sufficient independent corroborating evidence, the record does not compel us to conclude that Lv established eligibility for asylum or withholding.[1] *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

2. CAT Relief. Lv's CAT claim also fails because it is based on the same testimony found not credible, and she does not point to any other evidence that suggests it is more likely than not that she would be tortured if returned to China.

[1] We do not consider Lv's argument about her son's birth certificate, because that evidence was not submitted to the Immigration Judge or BIA. *See Fisher v. INS*, 79 F.3d 955, 963–64 (9th Cir. 1996) (en banc). To the extent Lv raises a due process claim, that issue is unexhausted. *Bare v. Barr*, 975 F.3d 952, 960 (9th Cir. 2020). As to Lv's claims that her initial testimony can be understood to show that she had a previous abortion, Lv cannot show the record compels that conclusion, which is fatal to her challenge. *Garcia v. Holder*, 749 F.3d 785, 790–791 (9th Cir. 2014).

See Garcia-Milian v. Holder, 755 F.3d 1026, 1033 (9th Cir. 2014).

PETITION DENIED.