

SEP 22 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHUNXIANG LU,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-74178

Agency No. A095-876-866

MEMORANDUM*

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

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Chunxiang Lu, a native and citizen of China, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's ("IJ") decision denying her application for asylum and withholding of removal.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Don v. Gonzales*, 476 F.3d 738, 741 (9th Cir. 2007), and we deny the petition.

Substantial evidence supports the IJ’s adverse credibility determination based on Lu’s internally inconsistent testimony as to the motivation for Lu’s three trips to the United States during the year of her claimed arrest in China. *See id.* at 741-42 (inconsistency goes to the heart of the claim if it concerns events central to petitioner’s version of why she was persecuted). Substantial evidence further supports the IJ’s adverse credibility finding based on Lu’s evasive answers to questions regarding the purpose of her previous trips to this country. *See Wang v. INS*, 352 F.3d 1250, 1256-57 (9th Cir. 2003) (“An asylum seeker’s ‘obvious evasiveness’ may be enough to uphold an adverse credibility finding.”). Absent credible testimony, Lu’s asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.