

APR 12 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>FRANCISCO C. CAYETANO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 08-70889

Agency No. A070-085-038

MEMORANDUM*

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

Submitted April 5, 2011**

Before: B. FLETCHER, CLIFTON, and BEA, Circuit Judges.

Francisco C. Cayetano, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for

* 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).

substantial evidence findings of fact, including adverse credibility determinations, *Chebchoub v. INS*, 257 F.3d 1038, 1042 (9th Cir. 2001), and deny the petition for review.

Substantial evidence supports the agency's adverse credibility determination because Cayetano admitted his original asylum application was not truthful regarding the incident that allegedly prompted his persecutors to abduct and threaten him. *See Kaur v. Gonzales*, 418 F.3d 1061, 1066-67 (9th Cir. 2005) (lying on an asylum application is an "indication of dishonesty"); *Don v. Gonzales*, 476 F.3d 738, 741-42 (9th Cir. 2007) (discrepancies "regarding the event that allegedly spurred [the persecutors] to threaten [petitioner] goes to the heart of his persecution claim and is not trivial"). In the absence of credible testimony, Cayetano's asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.