

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 15 2017

FOR THE NINTH CIRCUIT

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

WEIFEN SUN,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 14-72474

Agency No. A099-967-633

MEMORANDUM*

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

Submitted August 9, 2017**

Before: SCHROEDER, TASHIMA, and M. SMITH, Circuit Judges.

Weifen Sun, native and citizen of China, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying her application for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). We have jurisdiction under

* 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).

8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings, applying the standards governing adverse credibility determinations created by the REAL ID Act. *Shrestha v. Holder*, 590 F.3d 1034, 1039-40 (9th Cir. 2010). We deny the petition for review.

Substantial evidence supports the agency’s adverse credibility determination based on Sun’s misrepresentations regarding her relationship with Wang. *See id.* at 1048; *Singh v. Holder*, 643 F.3d 1178, 1181 (9th Cir. 2011) (an “applicant who lies to immigration authorities casts doubt on his credibility and the rest of his story”); *Garcia v. Holder*, 749 F.3d 785, 791 (9th Cir. 2014) (evidence was insufficient to rehabilitate testimony or support independent claim for relief). In the absence of credible testimony, in this case, Sun’s asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Sun’s CAT claim also fails because it is based on the same testimony the agency found not credible, and Sun does not point to any evidence that compels the conclusion that it is more likely than not she would be tortured if returned to China. *See id.* at 1156-57.

PETITION FOR REVIEW DENIED.