

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 9 2020

FOR THE NINTH CIRCUIT

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

ANGELE JEAN LOUIS,

No. 18-72256

Petitioner,

Agency No. A202-099-845

v.

WILLIAM P. BARR, Attorney General,

MEMORANDUM*

Respondent.

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

Submitted December 7, 2020**
Pasadena, California

Before: KELLY***, GOULD, and R. NELSON, and Circuit Judges.

Angele Jean Louis, a native and citizen of Haiti, petitions for review of the Board of Immigration Appeals' ("BIA") denial of her application for asylum, withholding of removal, and protection under the Convention Against Torture

* 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 Paul J. Kelly Jr., United States Circuit Judge of the United States Court of Appeals for the Tenth Circuit, sitting by designation.

(“CAT”). We have jurisdiction under 8 U.S.C. § 1252 and deny the petition for review.

The immigration judge (“IJ”) found Louis not credible, and the BIA concluded that the IJ’s finding was not clearly erroneous. Substantial evidence supports the adverse credibility determination based on inconsistencies in Louis’ testimony concerning who was raped during the December 2012 incident, whether the rapist was arrested and held for a brief period of hours or was jailed for two years, and whether she stopped attending school in June 2012 or after the December 2012 incident.¹ *See Lizhi Qiu v. Barr*, 944 F.3d 837, 842 (9th Cir. 2019). The record supports the cited inconsistencies in Louis’ testimony and asylum application. *See Shrestha v. Holder*, 590 F.3d 1034, 1048 (9th Cir. 2010). Louis failed to adequately explain the inconsistencies. *See Lata v. INS*, 204 F.3d 1241, 1245 (9th Cir. 2000). Therefore, without credible testimony, the BIA properly denied Louis’ claims for asylum and withholding of removal.² *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

¹ “We must uphold an adverse credibility determination so long as even one basis is supported by substantial evidence.” *Lizhi Qiu v. Barr*, 944 F.3d 837, 842 (9th Cir. 2019) (internal quotation marks and citation omitted). Thus, we need not address Louis’ arguments about the other cited reasons for the adverse credibility finding.

² Because the BIA only addressed the adverse credibility determination and assumed the asylum application was timely, we need not address the issue of the

The BIA also properly denied Louis' claim for CAT relief because it was based on the same testimony found not credible, and Louis does not point to any other evidence in the record compelling a conclusion that she would be tortured by or with the consent or acquiescence of the Haitian government. *See Singh v. Whitaker*, 914 F.3d 654, 662–63 (9th Cir. 2019).

PETITION DENIED.

one-year asylum bar here. *See Navas v. INS*, 217 F.3d 646, 658 n.16 (9th Cir. 2000).