

FEB 25 2015

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GRISELDA BEATRIZ CLAUDIO-ALAS,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-70186

Agency No. A098-965-182

MEMORANDUM*

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

Submitted February 17, 2015**

Before: O’SCANNLAIN, LEAVY, and FERNANDEZ, Circuit Judges.

Griselda Beatriz Claudio-Alas, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals’ order dismissing her appeal from an immigration judge’s (“IJ”) decision denying 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 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).

(“CAT”). We have jurisdiction under 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 review de novo claims of due process violations, *Simeonov v. Ashcroft*, 371 F.3d 532, 535 (9th Cir. 2004), and for abuse of discretion the denial of a request for a continuance, *Ahmed v. Holder*, 569 F.3d 1009, 1012 (9th Cir. 2009). We deny the petition for review.

Substantial evidence supports the agency’s adverse credibility determination based on inconsistencies between Claudio-Alas’s testimony and her asylum application regarding her residence, employment, and schooling. *See Shrestha*, 590 F.3d at 1048 (adverse credibility finding reasonable under the totality of circumstances). Claudio-Alas’s explanations do not compel a contrary result. *See Lata v. INS*, 204 F.3d 1241, 1245 (9th Cir. 2000). In the absence of credible testimony, Claudio-Alas’s asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Substantial evidence also supports the agency’s denial of Claudio-Alas’s CAT claim because it is based on the same testimony found not credible, and she does not point to any other evidence that compels the finding that it is more likely than not she would be tortured if returned to El Salvador. *See id.* at 1156-57.

Finally, the IJ did not abuse her discretion or violate due process in denying Claudio-Alas's motion for a second continuance. *See* 8 C.F.R. § 1003.29; *Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1247 (9th Cir. 2008) (per curiam) (no abuse of discretion in denying continuance where relief was not immediately available); *Lata*, 204 F.3d at 1246 (requiring error and prejudice to prevail on a due process claim).

PETITION FOR REVIEW DENIED.