

DEC 2 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>XIBIN WU,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 12-72139

Agency No. A099-062-581

MEMORANDUM\*

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

Submitted November 18, 2014\*\*

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Xibin Wu, a native and citizen of China, petitions for review of the Board of Immigration Appeals’ order dismissing her appeal from the immigration judge’s decision denying her application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8

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\* 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).

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

Substantial evidence supports the agency's adverse credibility determination based on inconsistencies in her testimony regarding her inability to register her marriage. *See id.* at 1048. In the absence of credible testimony, Wu's asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Wu's CAT claim is based on the same testimony the agency found not credible, and she did not establish a clear probability that she will be tortured if she returns to China, her CAT claim also fails. *See id.* at 1156-57.

**PETITION FOR REVIEW DENIED.**