

MAR 18 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RONG DI WANG,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 13-70713

Agency No. A073-574-618

MEMORANDUM*

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

Submitted March 10, 2015**

Before: FARRIS, WARDLAW, and PAEZ, Circuit Judges.

Rong Di Wang, a native and citizen of China, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). We have

* 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).

jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings. *Li v. Ashcroft*, 378 F.3d 959, 962 (9th Cir. 2004). We deny the petition for review.

Substantial evidence supports the BIA's adverse credibility determination based on Wang's admitted lies to an asylum officer in support of an admittedly false asylum application that he filed in 1994, *Singh v. Holder*, 643 F.3d 1178-1181 (9th Cir. 2011), and a significant omission from his declaration in support of his 2010 asylum application regarding whether he confronted family planning officials after his wife was sterilized, *Zamanov v. Holder*, 649 F.3d 969, 973 (9th Cir. 2011). We reject Wang's contention that the agency did not consider his explanation sufficiently. Further, the agency was not compelled to accept Wang's explanations for the discrepancies. *See Zamanov*, 649 F.3d at 974. In the absence of credible testimony, Wang's asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Wang's CAT claim is based on the same testimony the BIA found not credible, and Wang does not point to any other evidence that compels the conclusion that it is more likely than not he will be tortured if returned to China, his CAT claim also fails. *Id.* at 1156-57.

PETITION FOR REVIEW DENIED.