

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 20 2018

FOR THE NINTH CIRCUIT

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

JIANHUA LIU,

Petitioner,

v.

MATTHEW G. WHITAKER, Acting  
Attorney General,

Respondent.

No. 18-70126

Agency No. A087-837-957

MEMORANDUM\*

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

Submitted December 17, 2018\*\*

Before: WALLACE, SILVERMAN, and McKEOWN, Circuit Judges.

Jianhua Liu, a native and citizen of China, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision that found Liu had filed a frivolous asylum application. We have jurisdiction under 8 U.S.C. § 1252. We review de novo, *Kulakchyan v. Holder*,

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\* 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).

730 F.3d 993, 995 n.1 (9th Cir. 2013), and we deny the petition for review.

The agency did not err in finding Liu filed a frivolous asylum application where it complied with the procedural requirements of *In re Y-L-*, 24 I. & N. Dec. 151, 151-52 (BIA 2007). A preponderance of the evidence supports the agency’s finding that Liu deliberately fabricated a material element of his application. *See* 8 C.F.R. § 1208.20 (“[A]n asylum application is frivolous if any of its material elements is deliberately fabricated.”); *Ahir v. Mukasey*, 527 F.3d 912, 918-19 (9th Cir. 2008). Further, Liu was given “ample opportunity ... to address and account for any deliberate, material fabrications[.]” *See Ahir*, 527 F.3d at 919 (citation and internal quotation marks omitted).

**PETITION FOR REVIEW DENIED.**