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**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JOHN PHILLIPS,

Petitioner,

v.

PETER D. KEISLER,* Attorney General,

Respondent.

Nos. 04-70570 & 04-73750

Agency No. A78-109-016

MEMORANDUM**

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

Submitted September 28, 2007***
Pasadena, California

Before: T.G. NELSON, IKUTA, and N.R. SMITH, Circuit Judges.

* Pursuant to Fed. R. App. P. 43(c)(2), Peter D. Keisler is substituted for his predecessor, Alberto R. Gonzales, as Acting Attorney General of the United States.

** This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

*** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

John Phillips petitions for review of the Board of Immigration Appeals' (BIA) dismissal of his appeal of an immigration judge's (IJ) denial of his application for asylum, withholding of removal, and relief under the Convention Against Torture. Phillips also petitions for review of the BIA's denial of his motion to reopen. This court consolidated Phillips' petitions. *See* 8 U.S.C. § 1252(b)(6). We have jurisdiction pursuant to 8 U.S.C. § 1252(a)(1) and we deny Phillips' petitions.

The BIA adopted the IJ's adverse credibility determination in denying Phillips' petitions and substantial evidence supports the IJ's adverse credibility determination as well as the BIA's determination that Phillips failed to establish eligibility for asylum, withholding of removal, and relief under the Convention Against Torture. *See Singh-Kaur v. INS*, 183 F.3d 1147, 1151-53 (9th Cir. 1999).

The BIA acted within its discretion when it denied Phillips' motion to reopen because the new evidence Phillips sought to introduce did not undermine the IJ's adverse credibility determination or otherwise corroborate his claim. *See* 8 C.F.R. § 1003.2(c)(1) (2003).

PETITION DENIED.