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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WEIPING ZHAO,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 05-72849

Agency No. A95-302-536

MEMORANDUM*

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

Submitted February 26, 2008**

Before: BEEZER, FERNANDEZ, and McKEOWN, Circuit Judges.

Weiping Zhao, a native and citizen of China, petitions pro se for review of the Board of Immigration Appeals' decision adopting and affirming an Immigration Judge's ("IJ") order denying his application for asylum, withholding

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for substantial evidence, *Alvarez-Santos v. INS*, 332 F.3d 1245, 1254 (9th Cir. 2003), and we deny the petition.

The record does not compel the conclusion that the untimely filing of Zhao’s asylum application should be excused. *See* 8 C.F.R. § 208.4(a)(5). Accordingly, we deny the petition as to Zhao’s asylum claim.

With regard to Zhao’s claims for withholding of removal and CAT relief, substantial evidence supports the IJ’s adverse credibility determination because Zhao omitted from his asylum application some of the key harms that he testified precipitated his flight from China and underlie his fear of return. *See Alvarez-Santos*, 332 F.3d at 1254; *Li v. Ashcroft*, 378 F.3d 959, 962-63 (9th Cir. 2004). Accordingly, Zhao’s withholding of removal and CAT claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156-57 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.