

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

July 21, 2022

Lyle W. Cayce
Clerk

No. 21-60340
Summary Calendar

EDGAR ALFREDO VALLADARES,

Petitioner,

versus

MERRICK GARLAND, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A200 956 018

Before HIGGINBOTHAM, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Edgar Alfredo Valladares, a native and citizen of Honduras, petitions for review of a decision of the Board of Immigration Appeals (BIA) dismissing his appeal from a decision of the immigration judge (IJ) concluding that he was ineligible for withholding of removal and relief under

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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the Convention Against Torture (CAT). The BIA affirmed the IJ's adverse credibility determination; on that basis, it concluded that Valladares had failed to establish an eligibility for relief.

Valladares challenges the BIA's credibility determination, raising arguments that attempt to explain away the several inconsistencies identified by the BIA. However, the BIA cited "specific and cogent reasons derived from the record" to support its adverse credibility determination. *Singh v. Sessions*, 880 F.3d 220, 225 (5th Cir. 2018) (citation omitted). Valladares has failed to demonstrate that it is clear from "the totality of the circumstances" that "no reasonable factfinder" could make an adverse credibility ruling in his case. *Wang v. Holder*, 569 F.3d 531, 538 (5th Cir. 2009). Thus, the adverse credibility determination is supported by substantial evidence. *See id.* at 536-40.

Without credible evidence, there was no basis for the BIA to grant withholding of removal. *See Chun v. INS*, 40 F.3d 76, 79 (5th Cir. 1994). Further, although an adverse credibility determination is not necessarily dispositive of a CAT claim, Valladares has pointed to "no independent, non-testimonial evidence going to the likelihood of torture," and therefore the adverse credibility finding is also decisive of his CAT claim. *Arulnanthy v. Garland*, 17 F.4th 586, 597-98 (5th Cir. 2021) (quotation on 598).

The petition for review is DENIED.