

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 15-60545
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 3, 2017

Lyle W. Cayce
Clerk

MISIKIR GETACHEW TESFAYE,

Petitioner

v.

LORETTA LYNCH, U. S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A205 679 429

Before KING, DENNIS, and COSTA, Circuit Judges.

PER CURIAM:*

Misikir Getachew Tesfaye, a native and citizen of Ethiopia, petitions for review of the decision of the Board of Immigration Appeals (BIA) dismissing his appeal from the denial of his application for asylum, withholding of removal, and protection under the Convention Against Torture (CAT). With respect to his asylum and withholding-of-removal claims, Tesfaye challenges the immigration judge's finding that his testimony was not credible, but he

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 15-60545

fails to show that it is plain from the totality of the circumstances that “no reasonable fact-finder could make such an adverse credibility ruling.” *Wang v. Holder*, 569 F.3d 531, 538 (5th Cir. 2009) (internal quotation marks and citation omitted). While he also challenges the finding that he did not establish his eligibility for asylum or withholding of removal, Tesfaye fails to show that “any reasonable adjudicator would be compelled to conclude to the contrary.” 8 U.S.C. § 1252(b)(4)(B); *see Chen v. Gonzales*, 470 F.3d 1131, 1134 (5th Cir. 2006).

In addition, Tesfaye also challenges the adverse credibility determination in the context of his CAT claim. Again, he has not shown that “any reasonable adjudicator would be compelled to conclude to the contrary.” § 1252(b)(4)(B). Although Tesfaye challenges the denial of CAT protection on the ground that the ruling erroneously rests on an adverse credibility determination from the asylum context, the adverse credibility assessment here goes directly to the issue whether Tesfaye is likely to be tortured in Ethiopia. *See Efe v. Ashcroft*, 293 F.3d 899, 907-08 (5th Cir. 2002). Tesfaye’s challenge to the denial of CAT protection fails because he does not show that any reasonable adjudicator would be compelled to find that it is more likely than not that he would be tortured if removed to Ethiopia. *See* § 1252(b)(4)(B); *see Zhang v. Gonzales*, 432 F.3d 339, 344-45 (5th Cir. 2005).

PETITION DENIED.