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12-8-2004

**Weng v. Atty Gen USA**

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 03-2918  
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ZHEN LIANG WENG,

Petitioner

v.

JOHN ASHCROFT,  
ATTORNEY GENERAL OF THE UNITED STATES

Respondent  
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On Petition for Review from an  
Order of the Board of Immigration Appeals  
(Board No. A77-309-155)  
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Submitted Under Third Circuit LAR 34.1(a)  
December 7, 2004

Before: RENDELL and FISHER, *Circuit Judges*, and YOHN,\* *District Judge*.

(Filed December 8, 2004)  
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OPINION OF THE COURT  
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FISHER, *Circuit Judge*.

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\*The Honorable William H. Yohn, United States District Judge for the Eastern District of Pennsylvania, sitting by designation.

Zhen Liang Weng, a native and citizen of the People's Republic of China, was smuggled into the United States in 2000 for a large sum paid by Weng's family who borrowed the money from, and still owe, family members and "loan sharks." Weng was granted withholding of removal under the Convention Against Torture by an Immigration Judge in September 2001. In a decision issued June 10, 2003, the Board of Immigration Appeals ("Board") vacated the withholding, ordering Weng removed. We now deny Weng's petition for review.

This Court must sustain the Board's decision if supported by substantial evidence in the record. *Nen Ying Chen v. Ashcroft*, 368 F.3d 347, 350 (3d Cir. 2004). Weng sought protection based on a fear that he would more likely than not be tortured if removed to China. Specifically, he feared detention and torture by authorities in relation to his illegal departure as well as torture inflicted at the behest of or by creditors of his family with the acquiescence of authorities. The Board concluded that while Weng was likely to be imprisoned for his illegal departure, he had not shown it was more likely than not he would be tortured in conjunction therewith. We agree. While the Board specifically referred only to torture employed in the extraction of confessions, we are satisfied that the Board reviewed all of the evidence of record and concluded, as do we, that the record does not show that this individual is more likely than not to be tortured for reasons other than the extraction of confessions. Additionally, while we appreciate the description of the "snakehead" operation found in *Chen v. Ashcroft*, 289 F.3d 1113 (9th

Cir. 2002), decision vacated, 314 F.3d 995 (9th Cir. 2002), we agree with the Board that, on this record, it is speculative to conclude that Weng would likely be tortured at the behest of or by creditors to force repayment of the debt related to the smuggling.

Accordingly, the petition for review will be DENIED.

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