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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MAHA SINGH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 04-71392

Agency No. A078-659-366

MEMORANDUM*

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

Submitted February 18, 2009**

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Maha Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his application for asylum, withholding of removal, and

* 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).

protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006), and we deny the petition for review.

The record does not compel the conclusion that Singh established extraordinary or changed circumstances to excuse his untimely filed asylum application. *See* 8 C.F.R. § 1208.4(a)(4),(5); *see also Ramadan v. Gonzales*, 479 F.3d 646, 658 (9th Cir. 2007) (per curiam). Accordingly, his asylum claim fails.

Substantial evidence supports the IJ’s adverse credibility determination based on inconsistencies between Singh’s testimony and declaration concerning the presence of militants at his brother’s house, the omission of his brother’s 1996 arrests from Singh’s declaration, and internal inconsistencies in Singh’s testimony regarding the dates of his brother’s arrests and the timing of Singh’s own arrest. *See Li v. Ashcroft*, 378 F.3d 959, 962-63 (9th Cir. 2004); *Chebchoub v. INS*, 257 F.3d 1038, 1042 (9th Cir. 2001). Singh’s contention that the IJ failed to give full weight to his documentary evidence is not supported by the record. Accordingly, Singh’s withholding claim fails.

Singh’s CAT claim also fails because it is based on the same facts the IJ determined to be not credible and Singh points to no other evidence that should

have been considered in determining his CAT claim. *See Farah v. Ashcroft*, 348 F.3d 1153, 1157 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.