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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ASHOK KUMAR PADAN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>
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No. 06-74043

Agency No. A072-174-444

MEMORANDUM*

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

Submitted September 14, 2009**

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Ashok Kumar Padan, native and citizen of India, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's 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 factual findings, *Chebchoub v. INS*, 257 F.3d 1038, 1043 (9th Cir. 2001), and we deny the petition for review.

Substantial evidence supports the agency’s adverse credibility finding because the inconsistencies between Padan’s testimony and asylum application regarding the physical harm he allegedly suffered and the threatening letters he received, and his internally inconsistent testimony regarding his position within his political party, all go to the heart of his claim. *See id.* Accordingly, Padan’s asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Padan’s CAT claim is based on the same testimony the agency found not credible, and Padan does not point to any other evidence that shows it is more likely than not he would be tortured if returned to India, substantial evidence supports the agency’s denial of CAT relief. *See id.* at 1156-57. We reject Padan’s contention that the agency did not analyze his CAT claim properly.

PETITION FOR REVIEW DENIED.