

DEC 14 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RESHAM SINGH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>

No. 07-70406

Agency No. A077-810-738

MEMORANDUM*

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

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Resham 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 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).

relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Gonzalez-Hernandez v. Ashcroft*, 336 F.3d 995, 998 (9th Cir. 2003), and we deny the petition for review.

Substantial evidence supports the agency’s finding that even if Singh were credible, the government established by a preponderance of the evidence that Singh could reasonably relocate within India. *See* 8 C.F.R. § 1208.13(b)(3)(ii); *Sowe v. Mukasey*, 538 F.3d 1281, 1286-87 (9th Cir. 2008) (the presumption of a well-founded fear of persecution can be rebutted by showing that the applicant could avoid future persecution by relocation). Accordingly, Singh’s asylum and withholding of removal claims fail. *See Gonzalez-Hernandez*, 336 F.3d at 1001 n.5.

Substantial evidence supports the agency’s denial of CAT relief because Singh failed to demonstrate that it was more likely than not he would be tortured if returned to India. *See Singh v. Gonzales*, 439 F.3d 1100, 1113 (9th Cir. 2006).

PETITION FOR REVIEW DENIED.