

DEC 28 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SURINDER KAUR PATTI,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-71404

Agency No. A099-339-834

MEMORANDUM*

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

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and CLIFTON, Circuit Judges.

Surinder Kaur Patti, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ order summarily affirming an immigration judge’s (“IJ”) decision denying her 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 concludes this case is 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, *Husyev v. Mukasey*, 528 F.3d 1172, 1177 (9th Cir. 2008), and we deny the petition for review.

Substantial evidence supports the IJ’s adverse credibility determination because Patti’s testimony was inconsistent with her documentary evidence concerning the events following her release from police detention and leading up to her departure from India, *see Chebchoub v. INS*, 257 F.3d 1038, 1043 (9th Cir. 2001), and Patti did not persuasively explain these inconsistencies, *see Don v. Gonzales*, 476 F.3d 738, 741-42 (9th Cir. 2007). In the absence of credible testimony, Patti’s asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Patti’s CAT claim is based on the testimony the IJ found not credible, and Patti points to no other evidence to show it is more likely than not she would be tortured if returned to India, her CAT claim fails. *See id.* at 1156-57.

PETITION FOR REVIEW DENIED.