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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JASWINDER SINGH DHILLON,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-71319

Agency No. A079-287-633

MEMORANDUM*

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

Submitted December 15, 2009**

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

Jaswinder Singh Dhillon, a native and citizen of India, petitions for review of the Board of Immigration Appeals' order affirming 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 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. Reviewing for substantial evidence, *Don v. Gonzales*, 476 F.3d 738, 741 (9th Cir. 2007), we deny the petition for review.

Substantial evidence supports the agency’s adverse credibility finding based upon the discrepancy between Dhillon’s testimony and asylum interview regarding the name of the candidate he campaigned for during the 1997 elections, and upon the omissions from Dhillon’s asylum application statement and from his father’s affidavit of the police’s continued visits to his home in India after his departure from Bombay to the United States. *See Li v. Ashcroft*, 378 F.3d 959, 962-63 (9th Cir. 2004). In the absence of credible testimony, Dhillon failed to establish he is eligible for asylum or withholding of removal. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Dhillon’s CAT claim is based on the testimony the agency found not credible, and he points to no other evidence to show it is more likely than not he would be tortured if he returned to India, his CAT claim fails. *See id.* at 1157.

PETITION FOR REVIEW DENIED