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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PARAMJIT KAUR,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>
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No. 07-70390

Agency No. A070-917-445

MEMORANDUM*

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

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Paramjit Kaur, a native and citizen of India, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying her application for asylum, withholding of removal, and relief

* 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).

under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence adverse credibility determinations, *Tekle v. Mukasey*, 533 F.3d 1044, 1051 (9th Cir. 2008), and we deny the petition for review.

Substantial evidence supports the agency’s adverse credibility determination based upon a discrepancy between Kaur’s testimony and her asylum application regarding the number of times she was arrested, *see Chebchoub v. INS*, 257 F.3d 1038, 1043 (9th Cir. 2001), and Kaur’s explanation for the discrepancy does not compel the conclusion she is credible, *see Lata v. INS*, 204 F.3d 1241, 1245 (9th Cir. 2000). Absent credible testimony, Kaur’s asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Kaur’s CAT claim is based upon the same testimony the agency found not credible, and she does not point to any other evidence compelling the conclusion that it is more likely than not she would be tortured if returned to India, Kaur’s CAT claim fails. *See id.* at 1156-57.

PETITION FOR REVIEW DENIED.