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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UMER FAROOQ,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 07-71578

Agency No. A079-638-634

MEMORANDUM*

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

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Umer Farooq, a native and citizen of Pakistan, petitions for review of a Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction

* 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 8 U.S.C. § 1252. We review for substantial evidence, *Li v. Ashcroft*, 378 F.3d 959, 962 (9th Cir. 2004), and deny the petition for review.

The record does not compel the conclusion that Farooq established changed or extraordinary circumstances that excuse the untimely filing of his asylum application. *See* 8 C.F.R. §§ 1208.4(a)(4),(5); *Ramadan v. Gonzales*, 479 F.3d 646, 657-58 (9th Cir. 2007). Accordingly, Farooq's asylum claim is denied.

Substantial evidence supports the IJ's finding that there were inconsistencies between the documents he submitted relating to the alleged death of his father and the circumstances surrounding the death of his friend, *see Li*, 378 F.3d at 962, and that the authenticity of the documents went to the heart of Farooq's claim, *see Desta v. Ashcroft*, 365 F.3d 741, 745 (9th Cir. 2004). In the absence of credible testimony, Farooq failed to establish he is eligible for withholding of removal. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Farooq's CAT claim is based on the testimony the IJ 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 Pakistan, his CAT claim fails. *See id.* at 1156-57.

PETITION FOR REVIEW DENIED.