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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ZUBIAR UDDIN KHAN, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 07-70709 Agency No. A098-539-272 MEMORANDUM*

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

Submitted October 19, 2010**

Before: O'SCANNLAIN, LEAVY, and TALLMAN, Circuit Judges.

Zubiar Uddin Khan, a native and citizen of Pakistan, 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 relief under the Convention Against Torture ("CAT"). We have

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* 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).

jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992), and deny the petition for review.

Even if Khan timely filed his asylum application, substantial evidence supports the agency's adverse credibility determination based on the discrepancies between Khan's testimony and the letter from the Sanan Academy he submitted regarding the date and other details central to his alleged attack by religious fundamentalists, *see Pal v. INS*, 204 F.3d 935, 938 (9th Cir. 2000), and the agency reasonably found Khan's explanations for the inconsistencies unconvincing, *see Rivera v. Mukasey*, 508 F.3d 1271, 1275 (9th Cir. 2007). Without credible testimony, Khan's asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Khan's CAT claim is based on the same testimony found to be not credible, and he points to no other evidence the agency should have considered, substantial evidence also supports the denial of CAT relief. *See id*. at 1156-57.

PETITION FOR REVIEW DENIED.