

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PAWAN KUMAR, a.k.a. JASWINDER SINGH,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 06-74969

Agency No. A097-603-256

MEMORANDUM\*

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

Submitted December 14, 2010\*\*

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

Pawan Kumar, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his application for asylum, withholding of removal, and protection 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, *Desta v. Ashcroft*, 365 F.3d 741, 745 (9th Cir. 2004), and we deny the petition for review.

Substantial evidence supports the agency's adverse credibility finding based on inconsistencies and omissions between Kumar's declaration and his testimony regarding the reasons for his detention. *See Li v. Ashcroft*, 378 F.3d 959, 962-63 (9th Cir. 2004) (inconsistencies and omissions that go to the heart of petitioner's claim support an adverse credibility finding); *see also Kaur v. Gonzales*, 418 F.3d 1061, 1067 (9th Cir. 2005) (inconsistencies deprive claim of the requisite "ring of truth"). Kumar also failed to provide reasonable explanations for the inconsistencies and omissions. *See Rivera v. Mukasey*, 508 F.3d 1271, 1275 (9th Cir. 2007). Further, because the agency had reason to question Kumar's credibility, his failure to provide corroborating evidence undermines his claim. *See Sidhu v. INS*, 220 F.3d 1085, 1090-92 (9th Cir. 2000). In the absence of credible testimony, his asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

We do not address Kumar's CAT claim because he did not specifically and distinctly challenge it in his opening brief. *See Castro-Perez v. Gonzales*, 409 F.3d 1069, 1072 (9th Cir. 2005) (failure to raise a claim results in waiver).

**PETITION FOR REVIEW DENIED.**