

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NOT FOR PUBLICATION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>RAGHBIR SINGH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 07-72067

Agency No. A079-683-156

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.

Raghibir Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") 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

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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).

(“CAT”). We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for substantial evidence, *Sidhu v. INS*, 220 F.3d 1085, 1088 (9th Cir. 2000), and we deny the petition for review.

The record does not support Singh’s contention that the BIA erred in concluding the IJ made an explicit adverse credibility determination. *See Toufighi v. Mukasey*, 538 F.3d 988, 994-95 (9th Cir. 2008) (BIA reasonably interpreted the IJ’s qualifying remarks and decision as an express adverse credibility determination).

Substantial evidence supports the IJ’s adverse credibility finding because the IJ properly relied upon inconsistencies between Singh’s testimony and his medical document, *see Pal v. INS*, 204 F.3d 935, 938 (9th Cir. 2000), as well as evidence that Singh’s medical document and membership letter in the Akali Dal Mann organization were not authentic, *see Desta v. Ashcroft*, 365 F.3d 741, 745 (9th Cir. 2004). In the absence of credible testimony, Singh failed to establish eligibility for asylum or withholding of removal. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Singh’s CAT claim is based on the same evidence the IJ found to be not credible, and Singh points to no other evidence the IJ should have considered,

he failed to establish the record compels a finding of eligibility for CAT relief. *See id.* at 1156-57.

**PETITION FOR REVIEW DENIED.**