

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANAND SINGH,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-74867

Agency No. A097-349-946

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.

Petitioner Anand Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ (“BIA”) dismissal of his appeal from the Immigration Judge’s (“IJ”) order of removal. Specifically, he asserts that the BIA

* 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).

erred when it determined that his asylum application was untimely.¹ We dismiss the petition.

We lack jurisdiction to review timeliness determinations, 8 U.S.C. § 1158(a)(3), unless they present “constitutional claims or questions of law.” 8 U.S.C. § 1252(a)(2)(D). We have held that “our jurisdiction over ‘questions of law’ as defined in the Real ID Act includes not only ‘pure’ issues of statutory interpretation, but also application of law to undisputed facts, sometimes referred to as mixed questions of law and fact.” *Ramadan v. Gonzalez*, 479 F.3d 646, 648 (9th Cir. 2007) (per curiam), *reh ’g en banc denied*, 504 F.3d 973; *see generally Ramadan*, 479 F.3d at 650-54.

Here, Singh’s challenge to the IJ’s timeliness determination is a purely factual dispute concerning the date that he entered the United States. *Cf. id.* at 650 n.4. The IJ pointed to inconsistencies and deficiencies in the evidence offered by Singh, including his testimony, and found that Singh failed to establish by clear and convincing evidence that he applied for asylum within a year after entering the United States. *See* 8 U.S.C. § 1158(a)(2)(B). Because the timeliness issue is

¹ Singh does not challenge the BIA’s determination that he is not entitled to withholding of removal or protection under the Convention Against Torture.

neither a question of law nor a mixed question of law and fact, we lack jurisdiction over Singh's petition.

Singh's remaining contentions are unpersuasive.

PETITION DISMISSED.