

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOGA SINGH,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-70133

Agency No. A079-570-221

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and W. FLETCHER, Circuit Judges.

Joga Singh, a native and citizen of India, 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 jurisdiction under

* 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).

8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings, *Wakkary v. Holder*, 558 F.3d 1049, 1056 (9th Cir. 2009), and we deny the petition.

The record supports the agency’s finding that police arrested Singh in 1995 because he assisted a known terrorist and was therefore suspected of being involved in terrorist activities. *See Singh v. Gonzales*, 439 F.3d 1100, 1112 (9th Cir. 2006) (“where there is evidence of legitimate prosecutorial purpose, foreign authorities enjoy much latitude in vigorously enforcing their laws”). The record also supports the agency’s finding that several police arrested Singh in 1999 to prevent him from aiding the state government in their prosecution of Punjabi officers for mistreating him while he was in their custody. *See Molina-Morales v. INS*, 237 F.3d 1048, 1051-52 (9th Cir. 2001) (no persecution where official harmed petitioner because of a personal dispute). Accordingly, substantial evidence supports the agency’s determination that even if credible, Singh failed to establish the Punjabi police harmed him on account of a protected ground. *See INS v. Elias-Zacarias*, 502 U.S. 478, 482-84 (1992) (record did not establish persecution was on account of a protected ground).

Because Singh failed to establish eligibility for asylum he necessarily failed to establish eligibility for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

Substantial evidence also supports the agency's conclusion that Singh is not eligible for CAT relief because he failed to show it is more likely than not he would be tortured if removed to India. *See Wakkary*, 558 F.3d. at 1067-68.

PETITION FOR REVIEW DENIED.