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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RAKESH SINGH SAROY,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 09-71689

Agency No. A095-592-170

MEMORANDUM*

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

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Rakesh Singh Saroy, 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

* 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, *Chebchoub v. INS*, 257 F.3d 1038, 1042 (9th Cir. 2001), and we deny the petition.

Substantial evidence supports the IJ's adverse credibility determination based on the inconsistencies between Saroy's testimony and asylum application regarding Saroy's participation in political activities, as well as internal inconsistencies in his testimony regarding when he changed his name from Rakesh Kumar to Rakesh Singh. *See id.* at 1043; *Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003) (credible establishment of applicant's identity is a key element of the asylum claim). The IJ reasonably rejected his explanations for the inconsistencies. *See Rivera v. Mukasey*, 508 F.3d 1271, 1275 (9th Cir. 2007). In the absence of credible testimony, Saroy's asylum and withholding of removal claims fail. *See Farah*, 348 F.3d at 1156.

Because Saroy'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.