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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TEJINDER SINGH, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 09-71686 Agency No. A075-309-635 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.

Tejinder 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 decision denying his application for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). Our

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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 is governed by 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings. *Gonzalez-Hernandez v. Ashcroft*, 336 F.3d 995, 998 (9th Cir. 2003). We deny in part and dismiss in part the petition for review.

Substantial evidence supports the BIA's conclusion that, even though Singh suffered past persecution, conditions have changed in India such that Singh no longer has a well-founded fear of persecution. *See Gonzalez-Hernandez*, 336 F.3d at 1000-01 (individualized analysis of changed country conditions rebutted presumption of well-founded fear). Accordingly, Singh's asylum and withholding of removal claims fail. *See id.* at 1001 fn. 5.

We lack jurisdiction to consider Singh's unexhausted claim that he is eligible for humanitarian asylum. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

Finally, substantial evidence also supports the agency's denial of CAT relief, because Singh failed to establish it is more likely than not that he would be tortured if he returned to India. *See Wakkary v. Holder*, 558 F.3d 1049, 1067-68 (9th Cir. 2009).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.