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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JASHANDEEP KAUR,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 08-71630

Agency No. A095-589-090

MEMORANDUM*

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

Submitted March 6, 2012**

Before: B. FLETCHER, REINHARDT, and TASHIMA, Circuit Judges.

Jashandeep Kaur, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ order dismissing her appeal from an immigration judge’s (“IJ”) decision denying her application for asylum, withholding of removal, and relief 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 factual findings, *Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003), and we review de novo questions of law, *Rivera v. Mukasey*, 508 F.3d 1271, 1274-75 (9th Cir. 2007). We deny the petition for review.

Substantial evidence supports the agency's adverse credibility determination based on the discrepancy between Kaur's testimony and her statements to the asylum officer regarding the mistreatment she suffered in detention, and based on the discrepancy between Kaur's testimony and her declaration regarding the circumstances of her release from police custody. *See Li v. Ashcroft*, 378 F.3d 959, 962-63 (9th Cir. 2004); *see also Singh v. Gonzales*, 403 F.3d 1081, 1089-90 (9th Cir. 2005) (listing indicia of reliability for an asylum officer's notes). In the absence of credible testimony, Kaur's asylum and withholding of removal claims fail. *See Farah*, 348 F.3d at 1156.

Because Kaur's CAT claim is based on the same testimony found not credible, and she points to no other evidence showing it is more likely than not she will be tortured if returned to India, her CAT claim also fails. *See id.* at 1156-57.

Finally, we reject Kaur's contention that the IJ was biased, because she has not demonstrated any bias or that the outcome of the proceedings was affected. *See Rivera*, 508 F.3d at 1276.

PETITION FOR REVIEW DENIED.