

JUL 10 2012

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GULZAR DAUDAR,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
---

No. 08-74422

Agency No. A097-545-931

MEMORANDUM\*

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

Submitted June 26, 2012\*\*

Before: SCHROEDER, GOULD, and HAWKINS, Circuit Judges.

Gulzar Daudar, 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 protection under the Convention Against Torture (“CAT”). We have jurisdiction

---

\* 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).

under 8 U.S.C. § 1252. We review for substantial evidence, *Don v. Gonzales*, 476 F.3d 738, 741 (9th Cir. 2007), and we deny the petition for review.

Substantial evidence supports the agency's adverse credibility determination because Daudar's testimony was internally inconsistent regarding his contact with the truck driver who was a suspected terrorist and regarding the year of Daudar's first arrest. *See id.* at 741-42. Daudar's explanations for these inconsistencies do not compel a contrary conclusion. *See Zamanov v. Holder*, 649 F.3d 969, 974 (9th Cir. 2011). In the absence of credible testimony, Daudar's asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Daudar's CAT claim is based on the same testimony found to be not credible, and he does not point to any other evidence that shows it is more likely than not that he would be tortured if returned to India, his CAT claim also fails. *See id.* at 1156-57.

**PETITION FOR REVIEW DENIED.**