

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 29 2013

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

JOSHUA MUWANGA KALEBU,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-72604

Agency No. A091-592-427

MEMORANDUM*

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

Argued and Submitted March 4, 2013
Seattle, Washington

Before: FERNANDEZ, W. FLETCHER, and RAWLINSON, Circuit Judges.

Petitioner Joshua Muwanga Kalebu (Kalebu) petitions for review of a decision from the Board of Immigration Appeals (BIA) denying withholding of removal and relief under the Convention Against Torture (CAT). We deny the petition.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

The BIA’s denial of withholding of removal based on its adverse credibility determination was supported by substantial evidence given Kalebu’s fraud conviction, his immigration fraud, and inconsistencies between Kalebu’s oral and written statements. *See Malkandi v. Holder*, 576 F.3d 906, 917 (9th Cir. 2009), *as amended* (“Under the substantial evidence standard, we may reverse a BIA credibility determination only if the evidence that the petitioner presented was so compelling that no reasonable factfinder could find that the petitioner was not credible. . . .”) (citation, alteration, and internal quotation marks omitted); *see also Shrestha v. Holder*, 590 F.3d 1034, 1039-40 (9th Cir. 2010) (describing credibility determinations under the REAL ID Act).

Substantial evidence supported the BIA’s denial of CAT relief as “the record evidence does not compel the conclusion that [Kalebu] himself will be, more likely than not, *tortured* upon his return. . . .” *Alphonsus v. Holder*, 705 F.3d 1031, 1049 (9th Cir. 2013) (emphasis in the original); *see also Shrestha*, 590 F.3d at 1048-49.

PETITION DENIED.