

DEC 10 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>HARPAL SINGH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 11-73741

Agency No. A041-540-213

MEMORANDUM*

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

Submitted November 19, 2013**

Before: CANBY, TROTT, and THOMAS, Circuit Judges.

Harpal Singh, 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 and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Gu v.*

* 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).

Gonzales, 454 F.3d 1014, 1018 (9th Cir. 2006), and we deny the petition for review.

Substantial evidence supports the agency's conclusion that Singh's experiences in India did not amount to past persecution. *See id.* at 1020-21 (concluding petitioner did not establish past persecution where the police detained him for three days, interrogated him, and struck him with a rod ten times). Thus, contrary to Singh's contention, he is not entitled to a presumption of future fear. *See Nagoulko v. INS*, 333 F.3d 1012, 1018 (9th Cir. 2003). Further, substantial evidence supports the agency's conclusion that Singh did not demonstrate a well-founded fear of future persecution in India. *See Gu*, 454 F.3d at 1022; *Nagoulko*, 333 F.3d at 1018 (possibility of future persecution too speculative). Accordingly, Singh's asylum claim fails.

Because he failed to establish eligibility for asylum, Singh necessarily failed to meet the more stringent standard for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

PETITION FOR REVIEW DENIED.