

DEC 24 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RAJIV SHARMA; RAKESH SHARMA; RAJESH SHARMA,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 09-73627

Agency Nos. A047-069-508
 A047-069-509
 A047-069-510

MEMORANDUM*

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

Submitted November 8, 2013**
Portland, Oregon

Before: ALARCÓN, M. SMITH, and HURWITZ, Circuit Judges.

Rajiv Sharma, Rakesh Sharma, and Rajesh Sharma petition for review of a final order of removal issued by the Board of Immigration Appeals (BIA). The order affirmed the denial by an immigration judge of the petitioners’ applications

* 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).

for withholding of removal and protection under the Convention against Torture (CAT). We have jurisdiction pursuant to 8 U.S.C. § 1252 and we deny the petition.

1. The record before the BIA did not compel the conclusion that the petitioners face a likelihood of persecution if removed to India. No petitioner has been harmed, harassed, or threatened by anyone in India, and when Rajiv Sharma and Rajesh Sharma returned to India in 2000, they had no problems with the police. The denial of the petitioners' applications for withholding of removal was therefore supported by substantial evidence.

2. The BIA also did not err in denying protection under the CAT. The record before the BIA did not compel the conclusion that it is more likely than not that the petitioners will be tortured if they are returned to India.

PETITION FOR REVIEW DENIED