

APR 14 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AVTAR SINGH,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

No. 10-72358

Agency No. A076-860-078

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration AppealsArgued and Submitted April 8, 2014
San Francisco, California

Before: NOONAN, NGUYEN, and WATFORD, Circuit Judges.

1. The Board of Immigration Appeals (BIA) did not abuse its discretion in affirming the Immigration Judge's discretionary denial of asylum. Substantial evidence supports the conclusion that Avtar Singh had engaged in marriage fraud. Immigration fraud is a proper consideration in a discretionary denial of asylum. *Hosseini v. Gonzales*, 471 F.3d 953, 957 (9th Cir. 2006). The BIA properly

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

weighed this adverse factor alongside all other relevant considerations, including favorable factors such as family reunification. *See Kalubi v. Ashcroft*, 364 F.3d 1134, 1139 (9th Cir. 2004). The denial is thus neither “manifestly contrary to the law [nor] an abuse of discretion.” 8 U.S.C. § 1252(b)(4)(D).

2. Singh’s Convention Against Torture (CAT) claim is moot. The BIA granted Singh withholding of removal, the broadest relief that would be available to him under CAT. *See* 8 C.F.R. § 1208.16(c)(4).

PETITION FOR REVIEW DENIED.