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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BIR BAHADUR BASNET,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 12-73815

Agency No. A099-910-284

MEMORANDUM*

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

Submitted April 22, 2015**

Before: GOODWIN, BYBEE, and CHRISTEN, Circuit Judges.

Bir Bahadur Basnet, a native and citizen of Nepal, petitions for review of the Board of Immigration Appeals' ("BIA") 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

* 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).

jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings, applying the standards governing adverse credibility determinations created by the REAL ID Act, and we review de novo questions of law. *Shrestha v. Holder*, 590 F.3d 1034, 1039-40, 1048 (9th Cir. 2010). We deny the petition for review.

Substantial evidence supports the BIA's adverse credibility determination, based on the BIA's finding that Basnet's misrepresentations regarding his wife's name on his visa application and to immigration officials significantly undermined his credibility. *See Singh v. Holder*, 638 F.3d 1264, 1272 (9th Cir. 2010) ("lies and fraudulent documents when they are no longer necessary for the immediate escape from persecution do support an adverse inference"); *Zamonov v. Holder*, 649 F.3d 969, 974 (9th Cir. 2011) (agency not compelled to accept petitioner's explanations for discrepancies). In the absence of credible testimony, Basnet's asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Basnet's CAT claim is based on the same testimony the BIA found not credible, and Basnet does not point to any other evidence that compels the conclusion that it is more likely than not he will be tortured if returned to Nepal,

his CAT claim also fails. *See id.* at 1156–57.

PETITION FOR REVIEW DENIED.