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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SANJEEV KUMAR; et al.,</p> <p style="text-align: center;">Petitioners,</p> <p>v.</p> <p>LORETTA E. LYNCH, Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 13-70062

Agency Nos. A088-431-422  
A088-431-423  
A088-431-424

MEMORANDUM\*

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

Submitted July 21, 2015\*\*

Before: CANBY, BEA, and MURGUIA, Circuit Judges.

Sanjeev Kumar and his family, natives and citizens of India, petition for review of the Board of Immigration Appeals’ order dismissing their appeal from an immigration judge’s decision denying their application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for

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\* 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).

substantial evidence the agency's factual findings, applying the standards governing adverse credibility determinations created by the REAL ID Act. *Shrestha v. Holder*, 590 F.3d 1034, 1039-40 (9th Cir. 2010). We deny the petition for review.

Substantial evidence supports the agency's adverse credibility determination based on its implausibility finding, as well as the inconsistencies between petitioners' testimonies regarding the number of phone call threats they received and the location of Kumar's wife when someone threw a rock through a window at their home. *See id.* at 1044 (under the REAL ID Act, the agency may base an adverse credibility finding on plausibility, inconsistency, or any other relevant factor in considering the totality of circumstances); *see also Don v. Gonzales*, 476 F.3d 738, 743 (9th Cir. 2007) (substantial evidence supported the agency's implausibility finding). Thus, petitioners' asylum and withholding of removal claims fail.

**PETITION FOR REVIEW DENIED.**