

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 24 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

BALWINDER SINGH,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-72496

Agency No. A098-515-812

MEMORANDUM*

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

Submitted November 18, 2015**

Before: TASHIMA, OWENS, and FRIEDLAND, Circuit Judges.

Balwinder Singh, a native and citizen of India, 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, including adverse credibility findings. *Zamanov v. Holder*, 649 F.3d 969, 973 (9th Cir. 2011). We deny the petition for review.

Substantial evidence supports the BIA's adverse credibility determination based on Singh's material, inconsistent statements regarding whether the police visited his wife after he fled, *see Li v. Ashcroft*, 378 F.3d 959, 964 (9th Cir. 2004) (court bound to accept adverse credibility finding where an inconsistency goes to the heart of the claim), and based on his admitted lies, *see Singh v. Holder*, 643 F.3d 1178, 1181 (9th Cir. 2011) ("An asylum applicant who lies to immigration authorities casts doubt on his credibility and the rest of his story."). In the absence of credible testimony, petitioner's asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because petitioner's CAT claim was based on the same statements that were found not credible, and the record does not otherwise compel the conclusion that it is more likely than not he will be tortured by or with consent or acquiescence of a public official in India, his CAT claim also fails. *See id.* at 1156-57.

PETITION FOR REVIEW DENIED.