NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SUKHBIR SINGH,	Nos. 10-71058
	10-72769
Petitioner,	Agency No. A074-226-701
v.	
	MEMORANDUM[*]
ERIC H. HOLDER, Jr., Attorney General,	
Respondent.	

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

Submitted May 15, 2012[**]

Before: CANBY, GRABER, and M. SMITH, Circuit Judges.

Sukhbir 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 relief under the

Convention Against Torture ("CAT"), and of the BIA's order denying his motion

---

[*]   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).

to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence factual findings, *Zehatye v. Gonzales,* 453 F.3d 1182*,* 1184-85 (9th Cir. 2006), and we review for abuse of discretion the denial of a motion to reopen, *Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010). We deny the petitions for review.

Singh fears harm in India based on a family dispute related to an arranged marriage and subsequent divorce proceedings. Substantial evidence supports the agency's finding that Singh failed to establish that it is more likely than not he will be tortured upon return to India. *See Soriano v. Holder*, 569 F.3d 1162, 1167 (9th Cir. 2009). Accordingly, Singh's CAT claim fails.

In addition, the BIA did not abuse its discretion in denying Singh's untimely motion to reopen because it considered the evidence and acted within its broad discretion in determining that Singh did not establish *prima facie* eligibility for CAT relief. *See Fernandez v. Gonzales*, 439 F.3d 592, 595 (9th Cir. 2006).

PETITIONS FOR REVIEW DENIED.