

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 24 2023

FOR THE NINTH CIRCUIT

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

PIARA SINGH GILL,

Petitioner,

v.

MERRICK B. GARLAND, U.S. Attorney
General,

Respondent.

No. 22-783

Agency No.
A073-426-235

MEMORANDUM*

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

Submitted April 20, 2023**
San Francisco, California

Before: SCHROEDER, CALLAHAN, and BUMATAY, Circuit Judges.

Petitioner Piara Singh Gill (“Gill”) seeks review of a decision of the Board of Immigration Appeals (“BIA”) dismissing his appeal from a decision by an immigration judge denying asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review Gill’s ineffective assistance claim de novo, *Santiago-*

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Rodriguez v. Holder, 657 F.3d 820, 829 (9th Cir. 2011), and the BIA’s adverse credibility determinations for substantial evidence. *Yali Wang v. Sessions*, 861 F.3d 1003, 1007 (9th Cir. 2017). We deny the petition.

1. Gill’s ineffective assistance of counsel claim is meritless. Gill argues that he was denied due process because his prior attorney withdrew his INA § 237(a)(1)(H) fraud waiver and his federal civil suit against his will and to the detriment of his asylum claim. Nothing in the record suggests that decisions made by Gill’s counsel were so “egregious” that they “effectively prevented [Gill] from pursuing relief.” *Hernandez-Ortiz v. Garland*, 32 F.4th 794, 802 (9th Cir. 2022). To the contrary, the record reveals that Gill had numerous chances to weigh whether to pursue a § 237(a)(1)(H) waiver or to proceed with his asylum claim. And Gill cannot stake his ineffective assistance claim on his withdrawn civil suit, because he was represented by different counsel in that proceeding.

2. Substantial evidence supports the BIA’s adverse credibility determination. We treat the BIA’s credibility findings as “conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary.” *Flores Molina v. Garland*, 37 F.4th 626, 632 (9th Cir. 2022). At his 2018 asylum hearing, Gill offered contradictory explanations of why he conceded that his 1996 application was fraudulent. After first stating that he was coerced into doing so, Gill subsequently attributed his concession of fraud to a “sudden[] recollect[ion],” fear, confusion, and his “not thinking right.” Later, he acknowledged that he confessed to the fraud only after the asylum officer explained that if the facts in

the application were true, he would be ineligible for asylum because of his material support for terrorism. Under the “totality of the circumstances,” *Manes v. Sessions*, 875 F.3d 1261, 1263 (9th Cir. 2017), the record does not compel the conclusion that Gill’s testimony was credible.

PETITION DENIED.