

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 8 2026

FOR THE NINTH CIRCUIT

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

HARWINDER SINGH,

Petitioner,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-4030

Agency No.
A215-823-612

MEMORANDUM*

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

Submitted September 2, 2026**
San Francisco, California

Before: S.R. THOMAS, BYBEE, and BRESS, Circuit Judges.

Harwinder Singh, a native and citizen of India, petitions for review of a decision by the Board of Immigration Appeals (BIA) affirming the denial by an immigration judge (IJ) of his application for asylum, withholding of removal, and protection under the Convention Against Torture (CAT). We have jurisdiction

* 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).

under 8 U.S.C. § 1252, and we deny the petition.

1. Substantial evidence supports the BIA's affirmance of the IJ's adverse credibility determination. *See Shrestha v. Holder*, 590 F.3d 1034, 1040–41 (9th Cir. 2010). The IJ reasonably relied on inconsistencies between Singh's written declaration and the record evidence, as well as Singh's non-responsive testimony. Singh provided inconsistent statements about the two attacks. Singh also gave conflicting accounts as to how his declaration was prepared. He first testified that it was prepared in the United States by his attorney's staff based on his file from the detention center. When the IJ pointed out that the declaration bore stamps indicating it had been notarized in India, Singh contradicted himself by stating that his cousin prepared the declaration in India and then sent it to him in the United States.

The inconsistencies identified by the agency, contrary to Singh's characterization, were central to his claim that he experienced persecution based on his political activity. *See id.* at 1047 (“[W]hen an inconsistency is at the heart of the claim it doubtless is of great weight.”). And Singh's suggestion that the IJ contributed to the discrepancies is belied by the record. The IJ also properly asked Singh to explain the discrepancies and reasonably concluded that he failed to adequately do so, *see Mukulumbutu v. Barr*, 977 F.3d 924, 926–27 (9th Cir. 2020), and that his testimony was evasive and non-responsive, *see Lalayan v. Garland*, 4

F.4th 822, 839 (9th Cir. 2021).

Aside from Singh's discredited testimony, the remaining evidence does not compel the conclusion that he is eligible for asylum or withholding of removal because the evidence fails to establish a well-founded fear of persecution. *See Mukulumbutu*, 977 F.3d at 927. We therefore deny the petition as to his asylum and withholding of removal claims.

2. Substantial evidence also supports the BIA's determination that Singh is not entitled to relief under CAT. Because his CAT claim is based on the same statements that the BIA determined to be not credible in the asylum context, the evidence does not compel us to conclude it is more likely than not that Singh will be tortured if removed to India. *See Yali Wang v. Sessions*, 861 F.3d 1003, 1009 (9th Cir. 2017).

Petition **DENIED**.¹

¹ The motion for a stay of removal (Docket Entry 3) is denied.