

APR 23 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>TIRATH SINGH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
--

No. 09-72055

Agency No. A098-528-306

MEMORANDUM*

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

Submitted April 17, 2012**

Before: LEAVY, PAEZ and BEA, Circuit Judges.

Tirath Singh, native and citizen of India, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s decision denying his application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8

* 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).

U.S.C. § 1252. We review for substantial evidence. *Gonzalez-Hernandez v. Ashcroft*, 336 F.3d 995, 998 (9th Cir. 2003). We deny the petition for review.

Substantial evidence supports the agency's finding that, even if Singh is credible and was persecuted on account of a protected ground, the government rebutted the presumption of a well-founded fear of future persecution by establishing changed circumstances in India. *See* 8 C.F.R. § 1208.13(b)(1)(i)(A) and (ii); *see also Gonzalez-Hernandez*, 336 F.3d at 998-1001. The agency rationally construed evidence in the record and provided a sufficiently individualized analysis of Singh's future fear. *See id.* at 1000. We reject Singh's contentions that the BIA failed to consider all relevant evidence. *See Larita-Martinez v. INS*, 220 F.3d 1092, 1095-96 (9th Cir. 2000) (petitioner must overcome the presumption that the agency has considered all the evidence). Accordingly, Singh's asylum claim fails.

Because Singh failed to establish eligibility for asylum, he necessarily failed to meet the more stringent standard for withholding of removal. *See Gonzalez-Hernandez*, 336 F.3d at 1001, n.5.

Finally, substantial evidence supports the agency's denial of CAT relief because Singh failed to show it is more likely than not that he will be tortured in

India. *See Sowe v. Mukasey*, 538 F.3d 1281, 1288-89 (9th Cir. 2008) (evidence of changed country conditions in Sierra Leone defeated CAT claim).

PETITION FOR REVIEW DENIED.