

DEC 19 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GURDIP SINGH,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-73990

Agency No. A099-524-984

MEMORANDUM*

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

Submitted December 10, 2014**
San Francisco, California

Before: O’SANNLAIN, N.R. SMITH, and HURWITZ, Circuit Judges.

Petitioner Gurdip Singh petitions for review of a decision by the Board of Immigration Appeals (“Board”), denying his application for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”), and ordering him removed from the United States. The BIA affirmed the IJ’s denial of

* 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).

Singh’s petition on the basis of the IJ’s adverse credibility determination, and we review adverse credibility determinations under the REAL ID Act’s substantial evidence standard. *Ling Huang v. Holder*, 744 F.3d 1149, 1152 (9th Cir. 2014). Under such standard, the agency’s findings are “conclusive unless any reasonable adjudicator would be *compelled* to conclude to the contrary.” *Id.* (emphasis added) (quoting 8 U.S.C. § 1252(b)(4)(B)).

We are satisfied that substantial evidence, such as Singh’s “extremely troubling” demeanor and “frequent nonresponsive[ness],” the inconsistencies between his statements and other materials in evidence, and the inherent implausibility of his account, supports the Board’s affirmation of the IJ’s adverse credibility determination. *See Shrestha v. Holder*, 590 F.3d 1034, 1040 (9th Cir. 2010).

In the absence of credible testimony, Singh’s asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003). Singh’s CAT claim also fails because it is based on the same testimony found to be not credible. *See id.* at 1156–57. Singh’s petition for review is therefore denied.

PETITION FOR REVIEW DENIED.