

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 07 2008

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

SINGH SAIMPLAY LEHAMBER,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 04-72782

Agency No. A73-077-763

MEMORANDUM\*

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

Submitted June 18, 2008\*\*

Before: THOMAS, W. FLETCHER, and CLIFTON, Circuit Judges.

Singh Saimplay Lehamber, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

immigration judge's decision denying his application for protection under the Convention Against Torture ("CAT"). We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for substantial evidence the denial of relief under CAT. *Bellout v. Ashcroft*, 363 F.3d 975, 979 (9th Cir. 2004). We deny in part and dismiss in part the petition for review.

Lehamber has not demonstrated that he is entitled to CAT relief because he has not established that it is more likely than not that he will be tortured if removed to India. *See* 8 C.F.R. § 208.16(c); *Kamalthas v. INS*, 251 F.3d 1279, 1284 (9th Cir. 2001). Because the BIA reopened the proceedings solely to address Lehamber's CAT claim, we will not address Lehamber's contentions related to his asylum and withholding of removal claims. *See* 8 C.F.R. § 1208.18(b)(2) (stating that aliens with final removal orders dated before March 22, 1999, "may move to reopen proceedings for the sole purpose of seeking protection under [CAT]").

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**