

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 30 2008

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

GURMEET SINGH BHANGU,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

Nos. 04-72853

04-75739

Agency No. A75-259-357

MEMORANDUM\*

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

Submitted June 18, 2008\*\*

Before: LEAVY, HAWKINS, and W. FLETCHER, Circuit Judges.

Gurmeet Singh Bhangu, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen

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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).

proceedings and the BIA order summarily affirming an immigration judge's ("IJ") decision denying his application for asylum, and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review the IJ's adverse credibility determination for substantial evidence, *Malhi v. INS*, 336 F.3d 989, 992 (9th Cir. 2003), and review for abuse of discretion the denial of a motion to reopen, *id.* at 993. We deny the petitions for review.

Substantial evidence supports the agency's adverse credibility determination based on material inconsistencies within Bhangu's testimony and inconsistencies between his testimony and his supporting documents regarding the length of his detentions and when he received medical attention. *See id.* As the record does not compel the conclusion that Bhangu's testimony was credible, he has not established eligibility for asylum or withholding of removal. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

The BIA did not abuse its discretion in refusing to reopen Bhangu's proceedings on the grounds that he failed to meet his burden to present clear and convincing evidence indicating a strong likelihood that his marriage is bona fide. *See Malhi*, 336 F.3d at 994.

**PETITIONS FOR REVIEW DENIED.**