

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 12 2007

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

KEWAL SINGH,

Petitioner,

v.

MICHAEL B. MUKASEY,* Attorney
General,

Respondent.

No. 04-73795

Agency No. A78-368-537

MEMORANDUM **

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

Argued and Submitted October 19, 2007
San Francisco, California

Before: KLEINFELD and RAWLINSON, Circuit Judges, and RESTANI, ***
Judge.

The record compels our conclusion that the adverse credibility determination

* Michael B. Mukasey is substituted for his predecessor, Peter D. Keisler, as Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

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

*** The Honorable Jane A. Restani, Chief Judge, United States Court of International Trade, sitting by designation.

was not supported by substantial evidence.¹ Kewal Singh's testimony appears to us to be consistent rather than inconsistent, and this was critical to the credibility determination. The discrepancy and inability to remember the dates of another individual's arrest are inadequate on this record to support an adverse credibility determination.²

Accordingly, the petition for review is **GRANTED** and the case is **REMANDED** for a determination on the merits of Singh's applications for relief.

¹ See Li v. Ashcroft, 378 F.3d 959, 964 (9th Cir. 2004).

² See, e.g., Mendoza Manimbao v. Ashcroft, 329 F.3d 655, 660 (9th Cir. 2003).