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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LAKHGINDER SINGH, Petitioner, v. ERIC H. HOLDER Jr., Attorney General, Respondent.	No. 06-74473 Agency No. A079-286-662 MEMORANDUM[*]

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

Submitted July 29, 2009[**]

Before: WALLACE, LEAVY, and HAWKINS, Circuit Judges.

Lakhginder Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") decision denying his application for asylum,

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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).

withholding of removal, and relief under the Convention Against Torture ("CAT"). We have jurisdiction pursuant to 8 U.S.C. § 1252. Reviewing for substantial evidence, *Farah v. Ashcroft*, 348 F.3d 1153, 1154 (9th Cir. 2003), we deny the petition for review.

Substantial evidence supports the agency's conclusion that Singh was not credible because his testimony was internally inconsistent, and inconsistent with his documentation, regarding his party involvement, his identity, and his departure from India. *See Chebchoub v. INS*, 257 F.3d 1038, 1043 (9th Cir. 2001); *see also Farah*, 348 F.3d at 1156 (stating that identity is a key element for asylum claims). We therefore deny the petition as to asylum.

An alien who fails to establish eligibility for asylum necessarily fails to establish eligibility for withholding of removal. *Farah*, 348 F.3d at 1156.

Singh's contention that the BIA applied an incorrect legal standard in denying his CAT claim is not supported by the record. The agency's denial of CAT is supported by substantial evidence because Singh relies on the same testimony that was found not credible and cites to no other evidence. *See id.* at 1157.

PETITION FOR REVIEW DENIED.