NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

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U.S. COURT OF APPEALS

PRAMESH K. C. MAHARAJ, Petitioner, v. ERIC HOLDER, Respondent,	No. 12-71006 Agency No. A073-123-391 MEMORANDUM[*]

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

Submitted September 11, 2013
San Francisco, California

Before: SCHROEDER and BYBEE, Circuit Judges, and BEISTLINE,[**] Chief District Judge.

We have jurisdiction under 8 U.S.C. § 1252(a). We review *de novo* the BIA's and IJ's determinations of purely legal questions, and we review their

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

[**] The Honorable Ralph R. Beistline, United States District Judge for the District of Alaska, sitting by designation.

factual findings for substantial evidence. *Ali v. Holder*, 637 F.3d 1025, 1028-29 (9th Cir. 2011). Accordingly, we decide whether to grant or deny the petition for review based on the BIA's or IJ's reasoning rather than our own independent analysis of the record. *Id.* at 1029.

We find that substantial evidence supported the determination that Maharaj failed to establish a clear probability of future torture, and that the BIA and the IJ adequately conducted an individualized analysis. There was no due process error in the IJ's handling of the case.

The Petition is DENIED.