

December 29, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-60181
Summary Calendar

SUHAEBAH SUKARI KASIM,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A95 226 555

Before WIENER, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Suhaebah Sukari Kasim, a native and citizen of Indonesia, petitions for review of the final order of the Board of Immigration Appeals (BIA) affirming the decision of the Immigration Judge (IJ) denying her application for asylum as untimely and denying withholding of removal under the Immigration and Nationality Act. This court lacks jurisdiction to consider the BIA's determination that Kasim filed an untimely asylum

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

application and failed to meet an exception for waiving the deadline. See 8 U.S.C. § 1158(a)(3).

The BIA's affirmance of the IJ's denial of withholding of removal is supported by substantial evidence. See INS v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992); see also Carbajal-Gonzalez v. INS, 78 F.3d 194, 197 (5th Cir. 1996).

Kasim has not briefed the denial of her claim under the Convention Against Torture, and that issue is abandoned. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

PETITION DENIED.