

May 11, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-60695
Summary Calendar

BEKIN NOKSHIQI,

Petitioner,

versus

ALBERTO R. GONZALES, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
(BIA No. A79 046 459)

Before WIENER, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Albanian national Bekin Nokshiqi petitions for review of the Board of Immigration Appeals' (BIA's) summary affirmance of the denial of his requests for asylum, withholding of removal, and relief under the Convention Against Torture. In light of the summary affirmance, we review the immigration judge's decision. See Mikhael v. INS, 115 F.3d 299, 302 (5th Cir. 1997).

The immigration judge's finding that neither Nokshiqi's nor his uncle's testimony was credible with regard to a perceived danger in Albania to Nokshiqi and, ultimately, that Nokshiqi had

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

failed to meet his burden of establishing eligibility for asylum is supported by substantial evidence. See Lopez De Jesus v. INS, 312 F.3d 155, 161 (5th Cir. 2002); Lopez-Gomez v. Ashcroft, 263 F.3d 442, 444 (5th Cir. 2001).

As Nokshiqi did not make the showing required to establish eligibility for asylum, he cannot meet the more stringent standard necessary to establish eligibility for withholding of removal. See Efe v. Ashcroft, 293 F.3d 899, 906 (5th Cir. 2002). Nokshiqi failed to present his request for relief under the Convention Against Torture to the BIA. Given his failure to exhaust this issue, this court is without jurisdiction to entertain it. See Wang v. Ashcroft, 260 F.3d 448, 452-53 (5th Cir. 2001).

PETITION DENIED.