

June 18, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-60823  
Summary Calendar

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GHEORGHE VASILE CRETU,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A78 273 379  
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Before HIGGINBOTHAM, DAVIS and PRADO, Circuit Judges.

PER CURIAM:\*

Gheorghe Cretu, a citizen of Romania, petitions for review of the final order of the Board of Immigration Appeals (BIA). The BIA held that Cretu was not denied procedural due process on account of alleged deficiencies in the translation of his trial before the Immigration Judge (IJ) because no alleged translation problem concerned the basis of the IJ's decision. Cretu does not appeal the IJ's decision that denied asylum on grounds of an

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

untimely application, denied withholding of deportation, and granted voluntary departure.

This court reviews a claim of a due process violation de novo. Ogbemudia v. INS, 988 F.2d 595, 598 (5th Cir. 1993). Proving such a claim "requires a showing of substantial prejudice." Chike v. INS, 948 F.2d 961, 962 (5th Cir. 1991) (internal quotation marks and citation omitted). Because any deficiencies in translation did not concern the grounds for the IJ's decision, there was no "substantial prejudice." Accordingly, Cretu's petition for review is DENIED.

PETITION FOR REVIEW DENIED.