

October 15, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-60005
Summary Calendar

MARIO RUBEN GARCIA SEPULVEDA,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A95 223 050

Before GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Mario Ruben Garcia Sepulveda petitions for review of the Board of Immigration Appeals' ("BIA") opinion that affirmed the decision of the Immigration Judge ("IJ") denying him asylum, withholding of removal, and relief under the Convention Against Torture Act. As Sepulveda does not specifically challenge the IJ's denial of his request for relief under the Convention Against Torture, that issue is deemed abandoned. See Calderon-Ontiveros v. INS, 809 F.2d 1050, 1052 (5th Cir. 1986).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Sepulveda argues that the IJ's finding that he failed to demonstrate past persecution or a well-founded fear of future persecution is not supported by substantial evidence in light of his testimony and the evidence he submitted at the immigration hearing. We review the IJ's decision because the BIA summarily affirmed the IJ's decision, thereby making it the final agency decision. See Soadjede v. Ashcroft, 324 F.3d 830, 832 (5th Cir. 2003). We will uphold the IJ's determination that Sepulveda is not eligible for asylum if it is supported by substantial evidence. Faddoul v. INS, 37 F.3d 185, 188 (5th Cir. 1994). To reverse the IJ's determination that Sepulveda is not eligible for asylum, he must demonstrate the evidence was so compelling that no reasonable factfinder could conclude against it. Chun v. INS, 40 F.3d 76, 78 (5th Cir. 1994).

Sepulveda failed to make the requisite showing. Accordingly, the petition for review is DENIED.