

March 30, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-60333  
Summary Calendar

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IBAN PARAMERO-TORRES

Petitioner

v.

JOHN ASHCROFT, US ATTORNEY GENERAL

Respondent

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A79 711 139  
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Before KING, Chief Judge, and JOLLY and CLEMENT, Circuit Judges.

PER CURIAM:\*

Iban Paramero-Torres has filed a petition for review of the Board of Immigration Appeals' ("BIA") order, denying him withholding of removal and relief under the Convention Against Torture ("CAT"). Because the BIA did not adopt the immigration judge's decision, but issued its own decision, this court reviews the decision of the BIA. See Girma v. INS, 283 F.3d 664, 666 (5th Cir. 2002). Accordingly, Paramero's arguments that the immigration judge erred in its adverse credibility determination

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

and erred in failing to address his entitlement to relief under the CAT are not subject to review by this court. Id.

Paramero argues that he was eligible for withholding of removal because he demonstrated that he was persecuted and fears persecution by guerillas in Columbia on account of his religious beliefs and practices. To be eligible for withholding of removal under the Immigration and Nationality Act, an alien must demonstrate a clear probability of persecution upon return. Roy v. Ashcroft, 389 F.3d 132, 138 (5th Cir. 2004). The BIA's decision that Paramero had failed to demonstrate clear probability of persecution is supported by substantial evidence. Zamora-Morel v. INS, 905 F.2d 833, 838 (5th Cir. 1990). The petition for review is DENIED.