

July 17, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-60474  
Summary Calendar

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TAJDIN SADRU PITALYA,

Petitioner,

versus

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

Respondent.

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A79 141 918  
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Before BARKSDALE, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Tajdin Sadru Pitalya, a native and citizen of India, petitions for review of the order of the Board of Immigration Appeals (BIA) adopting and affirming the immigration judge's (IJ) decision denying his application for withholding of removal. We will uphold findings that an alien is not eligible for withholding of removal if the findings are supported by substantial evidence. Efe v. Ashcroft, 293 F.3d 899, 906 (5th Cir. 2002). Under the substantial evidence standard, reversal of the BIA's decision is improper unless the alien shows that the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

evidence compels it. Majd v. Gonzales, 446 F.3d 590, 594 (5th Cir. 2006).

The evidence does not compel a conclusion that Pitalya suffered past persecution or that it is more likely than not that he will suffer persecution or torture if he is returned to India. See 8 C.F.R. § 208.16(b)(2)(i), (ii); Mikhael v. INS, 115 F.3d 299, 304 & n.4 (5th Cir. 1997); Roy v. Ashcroft, 389 F.3d 132, 138 (5th Cir. 2004). Pitalya's petition for review is therefore DENIED.