

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 15, 2012

Lyle W. Cayce
Clerk

No. 11-60782
Summary Calendar

ELMER A. REYES-MERCADO,

Petitioner

v.

ERIC H. HOLDER, JR., U. S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A094 921 736

Before WIENER, ELROD, and GRAVES, Circuit Judges.

PER CURIAM:*

Nicaraguan citizen Elmer A. Reyes-Mercado petitions this court for review of a decision of the Board of Immigration Appeals (BIA) affirming the Immigration Judge's (IJ's) order that he be removed from this country. Similar to his filings with the BIA, Reyes-Mercado argues that he is entitled to asylum, withholding of removal, relief under the Convention Against Torture (CAT), and adjustment of status.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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We review the BIA's decision with respect to asylum, withholding of removal, and CAT relief for substantial evidence. *Chen v. Gonzales*, 470 F.3d 1131, 1134 (5th Cir. 2006). Reyes-Mercado has not met this standard, as he has not shown that the evidence compels a conclusion contrary to that reached by the BIA. *See id.* Insofar as he argues that the BIA erred by determining that he should have submitted evidence to corroborate his claims, this argument fails. *See Rui Yang v. Holder*, 664 F.3d 580, 585-587 (5th Cir. 2011), *cert. denied*, ___ S. Ct. ___, 2012 WL 831496 (June 18, 2012). To the extent Reyes-Mercado contends that the IJ and BIA should not have relied upon the Department of State Country Report in assessing his claims, he is wrong. *See Rojas v. INS*, 937 F.2d 186, 190 n.1 (5th Cir. 1991). Reyes-Mercado's argument that he is entitled to adjustment of status misses the mark because that relief is not available from this court. *See* 8 C.F.R. § 1245.2(a)(1); *De Hoyos v. Mukasey*, 551 F.3d 339, 341 (5th Cir. 2008); *Sung v. Keisler*, 505 F.3d 372, 376 (5th Cir. 2007). The petition for review is DENIED.