

November 8, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-61091
Summary Calendar

DAVID FERNELLI SACHICA RODRIGUEZ,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A78 600 034

Before JOLLY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

David Fernelli Sachica Rodriguez (Sachica), a native and citizen of Colombia, petitions this court to review the decision of the Board of Immigration Appeals (BIA) affirming without opinion the immigration judge's (IJ) denial of his application for asylum and withholding of removal.

Sachica argues that the IJ applied the wrong legal standard and erroneously determined that he did not suffer past persecution and did not have a well-founded fear of future persecution.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Sachica's asylum claim is based on his numerous contacts with various guerrilla groups, which occurred while he was flying missions for National Helicopters of Colombia. We conclude from a review of the record that the BIA's decision is supported by substantial evidence, and the record does not compel a conclusion contrary to the IJ's findings that the encounters with the guerrillas do not rise to the level of persecution and that Sachica failed to show a well-founded fear of future persecution. See Eduard v. Ashcroft, 379 F.3d 182, 187 (5th Cir. 2004); Mikhael v. INS, 115 F.3d 299, 304 (5th Cir. 1997).

The petition for review is DENIED. Sachica's motion for appointment of counsel is also DENIED.