

July 21, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-60677
Summary Calendar

GLORIA E. RODRIGUEZ; DAVID GABRIEL RODRIGUEZ,
Petitioners,
versus
IMMIGRATION AND NATURALIZATION SERVICE,
Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA Nos. A74 636 443
A74 636 444

Before GARWOOD, JOLLY and SMITH, Circuit Judges.

PER CURIAM:*

Gloria E. Rodriguez and David G. Rodriguez petition this court for review of an order of the Board of Immigration Appeals (BIA) dismissing their appeal from the denial of their applications for asylum and withholding of deportation.

The Rodriguezes argue that the Immigration Judge (IJ) and the

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 R. 47.5 the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

BIA erroneously concluded that the Rodriguezes each failed to show that they qualified for asylum. They argue that the IJ failed to consider evidence of persecution, including David's dismissal from his job, his subsequent unsuccessful attempts to obtain legal redress, and threats against the family. After reviewing the evidence, we conclude that the BIA's finding that the Rodriguezes were not refugees eligible for asylum was supported by reasonable and substantial evidence and that the Rodriguezes failed to show that the evidence they presented "was such that a reasonable factfinder would have to conclude that the requisite fear of persecution existed." See *I.N.S. v. Elias-Zacarias*, 112 S.Ct. 812, 815 (1992).

The Rodriguezes also argue that because they were proceeding *pro se*, the IJ's failure to provide additional assistance in the factual development of their claims denied them a full and fair opportunity to present their claims. This court, however, has held that an IJ has no duty "to develop the facts necessary to prove [the alien's] case." *Lopez-Rodriguez v. I.N.S.*, No. 93-5242 at *15 (5th Cir. Mar. 24, 1994) (unpublished).¹

Accordingly, the petition for review is

DENIED.

¹In accordance with 5th Cir. 47.5.3, unpublished opinions issued before January 1, 1996, are precedent.