

September 5, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-60696
Summary Calendar

FRANCISCO ARIEL PAUC-CHANEZ,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A78 554 509

Before GARWOOD, EMILIO M. GARZA and BENAVIDES, Circuit Judges.

PER CURIAM:*

Francisco Ariel Pauc-Chanez petitions this court to review the decision of the Board of Immigration Appeals denying his application for withholding of removal. He argues that the evidence compels a conclusion that he is so eligible. *See Chun v. INS*, 40 F.3d 76, 78 (5th Cir. 1994). Pauc, however, has not shown that all reasonable fact finders would conclude that "it is more

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 R. 47.5 the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

likely than not" that his life or freedom would be threatened by persecution on account of either his race, religion, nationality, membership in a particular social group, or political opinion were he to be returned to Guatemala. See *Efe v. Ashcroft*, 293 F.3d 899, 906 (5th Cir. 2002). He, therefore, has not shown error in the denial of withholding of removal.

Pauc also assigned as error the Board's denial of his application for voluntary departure and the denial of his application for asylum. Pauc, however, has failed to brief either of these issue and they are, therefore, waived. See *Calderon-Ontiveros v. INS*, 809 F.2d 1050, 1052 (5th Cir. 1986) (issues not briefed are waived). Moreover, even had Pauc briefed the issue of the denial of his application for voluntary departure, this court is without jurisdiction to hear that challenge. 8 U.S.C. §§ 1229c(f), 1252(a)(2)(B); *Eyoum v. INS*, 125 F.3d 889, 891 (5th Cir. 1997).

Pauc's petition is, therefore,

DENIED.