

**FILED**

December 15, 2003

Charles R. Fulbruge III  
Clerk

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

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No. 02-61077  
Summary Calendar

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JAGDEEP SINGH,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A78-177-763  
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Before SMITH, DeMOSS AND STEWART, Circuit Judges.

PER CURIAM:\*

Jagdeep Singh petitions for review of an order of the Board of Immigration Appeals (BIA) affirming the immigration judge's decision to deny his application for asylum and withholding of removal under both the Immigration and Nationality Act (INA) and the Convention Against Torture (CAT). Singh argues that the BIA erred in determining that he had not established past persecution

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

based on his religion and political opinions, a well founded fear of future persecution, or that it was more likely than not that he would be tortured if he were returned to India.

This court will uphold the factual findings that an alien is not eligible for asylum or withholding of removal if those findings are supported by substantial evidence. Chun v. INS, 40 F.3d 76, 78-79 (5th Cir. 1994). The substantial evidence standard requires that the decision be based on the evidence presented and that the decision be substantially reasonable. Carbajal-Gonzalez v. INS, 78 F.3d 194, 197 (5th Cir. 1996). The BIA's decision is supported by substantial evidence, and the record does not compel a contrary conclusion as to either Singh's INA claims or his CAT claim. See id. Accordingly, Singh's petition for review is DENIED.