

December 30, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-60021  
Summary Calendar

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ALEXIE KROUPKO,

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. A28 465 084

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Before JONES, BENAVIDES and CLEMENT, Circuit Judges.

PER CURIAM:\*

Alexie Kroupko petitions for review of an order of the Board of Immigration Appeals (BIA) affirming the immigration judge's (IJ) decision to deny his application for asylum or withholding of deportation. Kroupko argues that the errors and irregularities in his proceedings before the IJ and the BIA violated his right to due process. He contends further that he has

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

established past persecution and a well-founded fear of future persecution if he were to return to Russia.

Kroupko is unable to carry his burden of showing that he was substantially prejudiced by the alleged error and irregularities in his proceedings, nor is he able to "make a prima facie showing that he was eligible for asylum and that he could have made a strong showing in support of his application." See Anwar v. INS, 116 F.3d 140, 144 (5th Cir. 1997). Furthermore, the BIA did not abuse its discretion in refusing to reopen Kroupko's case. See Efe v. Ashcroft, 293 F.3d 899, 904 (5th Cir. 2002).

The BIA's decision is supported by substantial evidence and the evidence in the record does not compel a contrary conclusion. See Ontunez-Tursios v. Ashcroft, 303 F.3d 341, 350 (5th Cir. 2002); Girma v. INS, 283 F.3d 664, 669 (5th Cir. 2002). Consequently, Kroupko also has not made the requisite showing for withholding of removal. See Girma, 283 F.3d at 666-67. Accordingly, the petition for review is **DENIED**.