

October 8, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60088
Summary Calendar

MARIA DEL CARMEN HEREDIA-CAMINO,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A78-874-208

Before SMITH, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Maria Del Carmen Heredia-Camino petitions this court for review of a decision by the Board of Immigration Appeals (BIA) allegedly denying her request for an extension of time to file an appeal brief to appeal the Immigration Judge's decision denying her application for asylum, withholding of removal, and protection under Convention Against Torture. Heredia-Camino's argument is misplaced; the BIA granted her motion for an

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

extension of time. The BIA rejected her brief because it was not served on the INS office of record.

To the extent she alleges a due process violation based on the rejection of her brief, she has failed to demonstrate substantial prejudice. Anwar v. INS, 116 F.3d 140, 145 (5th Cir. 1997). Heredia-Camino has not shown that she was unable or unwilling to return ``because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.'"
See Jukic v. INS, 40 F.3d 747, 749 (5th Cir. 1994)(quoting 8 U.S.C. § 1101(a)(42)(A));

PETITION DENIED.