

**FILED**

January 21, 2004

Charles R. Fulbruge III  
Clerk

UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT

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No. 03-60396  
Summary Calendar

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PARVINDER 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  
(A79-103-971)

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Before BARKSDALE, EMILIO M. GARZA, DENNIS, Circuit Judges.

PER CURIAM:\*

Parvinder 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 claims the BIA erred in determining that he had not established past persecution based on his religion and political opinions or a well-founded fear of future persecution. (He makes no contention under the CAT and 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

therefore waived that issue on appeal. See *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993).

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. *Mikhael v. INS*, 115 F.3d 299, 302 (5th Cir. 1997). 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. See *id.*

**DENIED**