

November 3, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60794
Summary Calendar

ANTOINE NGENDAHAYO AHORUKOMEYE,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A79 512 916

Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:*

Antoine Ngendahayo Ahorukomeye petitions for review of an order of the Board of Immigration Appeals (BIA) affirming the immigration judge's (IJ's) decision to deny his application for asylum and withholding of removal under the Immigration and Nationality Act (INA) as well as the Convention Against Torture (CAT). Ahorukomeye argues that the BIA erred in determining that he had not established entitlement to asylum and withholding of removal under both the INA and the CAT based on both his own testimony and documentary evidence submitted to the IJ.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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 Ahorukomeye's INA claims or his CAT claim. See id. Accordingly, Ahorukomeye's petition for review is DENIED.