

July 28, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60975
Summary Calendar

LEONORA ZAKA,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A78 196 696

Before JOLLY, HIGGINBOTHAM, and PICKERING, Circuit Judges.

PER CURIAM:*

Lenora Zaka, a citizen of Albania, petitions for review of an order from the Board of Immigration Appeals (BIA) affirming the immigration judge's (IJ) decision to deny her application for asylum and withholding of removal.

We review legal conclusions de novo and findings of fact for substantial evidence. Lopez-Gomez v. Ashcroft, 263 F.3d 442, 444 (5th Cir. 2001). We will reverse the BIA's asylum determination only if the evidence compels a different result. Girma v. INS,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

283 F.3d 664, 669 (5th Cir. 2002); see INS v. Elias-Zacarias, 502 U.S. 478, 482-84 (1992). The Attorney General may grant asylum to refugees. 8 U.S.C. § 1158(b)(1). A refugee is a person who is outside of his or her country and is 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" 8 U.S.C. § 1101(a)(42)(A).

Based on the IJ's findings, the BIA concluded that Zaka had not established past persecution or a well-founded fear of persecution based on any of the statutorily enumerated grounds. After reviewing the record and the briefs, we conclude that the BIA's decision is supported by substantial evidence and that the record does not compel a contrary conclusion. Zaka has failed to show that the Government's position in her case is inconsistent with its position in another case pending before the Attorney General. If Zaka believed that she was entitled to asylum under proposed rules applicable to victims of domestic violence, she could have raised this issue prior to the filing of her reply brief. Rodriguez v. INS, 9 F.3d 408, 414 n.15 (5th Cir. 1993).

Accordingly, the petition for review is DENIED.