

**FILED**

January 4, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-61013  
Summary Calendar

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MARCOS WASHINGTON CUBAS; MARIA DE CARMEN  
MONSALVE DE CUBAS; MARIE ELLA CUBAS,

Petitioners,

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. A29 387 824  
BIA No. A39 387 831  
BIA No. A29 387 833  
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Before DAVIS, SMITH and DENNIS, Circuit Judges.

PER CURIAM:\*

Marcos Washington Cubas, his wife, Maria De Carmen Monsalve De Cubas, and their daughter, Marie Ella Cubas, petition for review of the Board of Immigration Appeals' ("BIA") opinion that affirmed the decision of the immigration judge denying Cubas asylum and withholding of removal.

The Cubases argues that the immigration judge's finding that Cubas failed to demonstrate past persecution or a well-founded

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

fear of future persecution is not supported by substantial evidence in light of his testimony and the evidence he submitted at the immigration hearing. We review the immigration judge's decision because the BIA summarily affirmed the immigration judge's decision, thereby making it the final agency decision. See Soadjede v. Ashcroft, 324 F.3d 830, 832 (5th Cir. 2003). We will uphold the immigration judge's determination that Cuba is not eligible for asylum if it is supported by substantial evidence. Faddoul v. INS, 37 F.3d 185, 188 (5th Cir. 1994). To reverse the immigration judge's determination that Cubas is not eligible for asylum, he must demonstrate the evidence was so compelling that no reasonable factfinder could conclude against it. Chun v. INS, 40 F.3d 76, 78 (5th Cir. 1994). Cubas has failed to make the requisite showing. Accordingly, the petition for review is DENIED.