

September 10, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-61069
Summary Calendar

ESSA GYE,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A76-301-663

Before JOLLY, HIGGINBOTHAM, and PICKERING, Circuit Judges.

PER CURIAM:*

Essa Gye, a native and citizen of Gambia, petitions for review of an order from the Board of Immigration Appeals ("BIA") affirming the immigration judge's ("IJ") decision finding Gye removable for falsely claiming United States citizenship. Gye argues that there is no evidence in the record to show that he claimed to be a United States citizen, as opposed to a United States national, when he checked the "citizen or national" box on the Employment Eligibility

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Verification (I-9) form. However, Gye has not shown that the evidence compels a conclusion contrary to that of the IJ.¹ Accordingly, Gye's petition for review is DENIED.

¹See *Lopez De Jesus v. INS*, 312 F.3d 155, 158-59 (5th Cir. 2002); *Carbajal-Gonzalez v. INS*, 78 F.3d 194, 197 (5th Cir. 1996).