

August 20, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-60008
Summary Calendar

ASHFAQ HUSSAIN, also known as Ali Asfaq, Haziq Zaman,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A78 425 754

Before JONES, BARKSDALE and PRADO, Circuit Judges.

PER CURIAM:*

Ashfaq Hussain, a native and citizen of Pakistan, has filed a petition for review of the decision of the Board of Immigration Appeals (BIA) denying his application for asylum and withholding of removal. Hussain argues that he clearly established that he suffered past persecution because on two separate occasions he was arrested, detained for several months, and beaten by Pakistani police due to his membership in the Muttahida Quami Movement (MQM) political party. He argues that he has established that he has a well-founded fear of future persecution

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

due to his political activities if he returned to Pakistan. The Immigration Judge (IJ) found that Hussain was not a credible witness and that his testimony was internally contradictory and unbelievable; the IJ denied his request for asylum. The BIA affirmed the IJ's decision. We will not substitute our judgment of Hussain's credibility for that of the IJ and BIA. See Efe v. Ashcroft, 293 F.3d 899, 905 (5th Cir. 2002). Hussain has not shown that the evidence in the record compels a conclusion contrary to the decision of the IJ and BIA that he was not a credible witness and that he did not establish his eligibility for asylum. See Lopez De Jesus v. INS, 312 F.3d 155, 161 (5th Cir. 2002).

PETITION DENIED.