

October 3, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-60287  
Summary Calendar

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GHEREZGIHER TECLE EMBEYE,

Petitioner,

versus

ALBERTO R. GONZALES, U.S. ATTORNEY GENERAL,

Respondent.

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A78 881 262  
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Before HIGGINBOTHAM, BENAVIDES and DENNIS, Circuit Judges.

PER CURIAM:\*

Gherezgiher Tecle Embeye, a native of Ethiopia and citizen of Eritria, petitions for review of an order issued by the Board of Immigration Appeals (BIA) dismissing his appeal from the immigration judge's (IJ) decision to deny his applications for asylum, withholding of removal, and relief under the Convention Against Torture (CAT). Embeye challenges the finding of both the IJ and BIA that he lacked credibility. Embeye also argues that he has established his eligibility for asylum or withholding of removal. Embeye has abandoned any argument he might have raised

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

regarding the denial of his motion for protection under the CAT by failing to challenge the decision in his petition for review. See Witter v. INS, 113 F.3d 549, 554 (5th Cir. 1997).

Both issues raised by Embeye would require this court to review and overturn a determination by the IJ and BIA as to his credibility as a witness. We may not "substitute our judgment for that of the BIA or IJ with respect to the credibility of the witnesses or ultimate factual findings based on credibility determinations." See Chun v. INS, 40 F.3d 76, 78 (5th Cir. 1994).

Accordingly, Embeye's petition for review is DENIED.