

June 26, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-60150  
Summary Calendar

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ZARIF MALELLI; NEKIJE KELOLLI MALELLI,

Petitioners,

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. A96 282 952  
A96 202 953  
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Before BARKSDALE, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Zarif Malelli and Nekije Kelolli Malelli petition for review of the Board of Immigration Appeals' (BIA) decision denying their applications for asylum, withholding of removal, and relief under the Convention Against Torture (CAT). This court lacks jurisdiction to consider the denial of their application for asylum because the BIA denied the application as untimely. See 8 U.S.C. § 1158(a)(3).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

To obtain withholding of removal, an applicant "must show that it is more likely than not that his life or freedom would be threatened by persecution" based on his political opinion, race, religion, nationality, or membership in a particular social group. Efe v. Ashcroft, 293 F.3d 899, 906-07 (5th Cir. 2002) (quotation omitted). We review for substantial evidence the determination that an alien is not entitled to withholding of removal. See id. at 905-06. To grant a petition for review regarding a CAT claim, the record must compel a finding that the alien has shown that it was more likely than not that he would be tortured if returned to his home country. See Bah v. Ashcroft, 341 F.3d 348, 351-52 (5th Cir. 2003). The record does not compel a finding the petitioners have met their burden to show they were entitled to withholding of removal or relied under the CAT.

PETITION FOR REVIEW DENIED.