

June 19, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-60286
Summary Calendar

AIMEE MUTANDA BATATA,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A79 489 494

Before HIGGINBOTHAM, BENAVIDES and DENNIS, Circuit Judges.

PER CURIAM:*

Aimee Mutanda Batata, a native and citizen of the Democratic Republic of Congo (DRC), petitions this court for review of an order denying her applications for asylum, withholding of removal, and relief under the Convention Against Torture (CAT). The Board of Immigration Appeals (BIA) summarily affirmed the denial of relief by the Immigration Judge (IJ).

Batata contends that the BIA and IJ erred by determining (1) that her claim of rape was not credible and (2) that, had she been raped, she did not show a well-founded fear of 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

or that it was more likely than not that she would be subjected to torture if she returned to the DRC. The inconsistencies and ambiguities in the evidence support the decision of the IJ. Because the record does not compel a finding that Batata was entitled to any of the relief she sought, Batata has failed to show that the decision was not supported by substantial evidence. See INS v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992); Faddoul v. INS, 37 F.3d 185, 188 (5th Cir. 1994).; Efe v. Ashcroft, 293 F.3d 899, 906-07 (5th Cir. 2002).

Batata's petition for review therefore is DENIED.