

December 12, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-61122
Summary Calendar

KLODIAN HOXHA,

Petitioner,

versus

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

Respondent.

Petition for Review of a Decision of
the Board of Immigration Appeals
BIA No. A96 029 325

Before REAVLEY, BARKSDALE and STEWART, Circuit Judges.

PER CURIAM:*

Albanian citizen Klodian Hoxha petitions for review of the decision of the Bureau of Immigration Appeals (BIA) denying his application for asylum and withholding of removal. Hoxha's petition is denied.

Substantial evidence supports the determination of the Immigration Judge (IJ) that Hoxha has no well-founded fear of persecution should he be returned to Albania. See Faddoul v. INS, 37 F.3d 185, 188 (5th Cir. 1994). Hoxha's testimony established that he personally was briefly detained during an

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

election dispute and was verbally threatened by police and members of the Socialist Party. However, he was not physically injured and evidently was free to move around the country to work and take care of his grandmother. It was unclear from Hoxha's testimony whether his grandfather, brother, and sister were victims of the Socialist Party or of criminals.

The IJ did not err by relying on materials prepared by the State Department when making the determination whether Hoxha should be granted asylum. See Rojas v. INS, 937 F.3d 186, 190 n.1 (5th Cir. 1991). Those materials indicated that the Socialist Party is not engaged in persecution of its opponents and that Albania is a functioning democracy with competitive elections that are relatively fair and free. However, the country has chronic crime issues, and local police evidently engage in brutal conduct. Moreover, Hoxha's testimony indicated that he could relocate within Albania if necessary. See Lopez-Gomez v. Ashcroft, 263 F.3d 442, 445 (5th Cir. 2001).

PETITION DENIED.