

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 11, 2007

Charles R. Fulbruge III
Clerk

No. 06-61077
Summary Calendar

LIN CHEN

Petitioner

v.

PETER D KEISLER, ACTING U S ATTORNEY GENERAL

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A96 191 172

Before REAVLEY, SMITH and BARKSDALE, Circuit Judges.

PER CURIAM:*

Lin Chen, a citizen of China, petitions this court for review of an order denying his applications for asylum, withholding of removal, and relief under the Convention Against Torture (CAT). The Board of Immigration Appeals (BIA) dismissed his appeal of the denial of relief by the Immigration Judge (IJ).

Chen argues that the BIA and IJ erred by determining that (1) he did not show past persecution, (2) he failed to establish the objective reasonableness of a well-founded fear of future persecution, and (3) he did not warrant withholding

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of removal. Chen has failed to “show that the evidence he presented was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution.” *Jukic v. INS*, 40 F.3d 747, 749 (5th Cir. 1994). Accordingly, the denial of his application for withholding of removal also does not warrant reversal. See *Faddoul v. INS*, 37 F.3d 185, 188 (5th Cir. 1994).

Chen also contends that the IJ erred by failing to conduct a separate analysis of his CAT application. “This Court must examine the basis of its jurisdiction, on its own motion, if necessary.” *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). Chen’s failure to exhaust this argument by raising it before the BIA serves as a jurisdictional bar to our consideration of this issue. See *Wang v. Ashcroft*, 260 F.3d 448, 452-53 (5th Cir. 2001).

Chen’s petition for review is DENIED.