

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

June 19, 2009

Charles R. Fulbruge III  
Clerk

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No. 08-60695  
Summary Calendar

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AZIZBHAI NOORMADBHAI CHAROLIYA

Petitioner

v.

ERIC H. HOLDER, JR., U. S. ATTORNEY GENERAL

Respondent

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A99 616 503

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Before JOLLY, BENAVIDES, and HAYNES, Circuit Judges.

PER CURIAM:\*

Azizbhai Noormadbhai Charoliya, a native and citizen of India, petitions this court to review the decision of the Board of Immigration Appeals (BIA) upholding the decision of the immigration judge (IJ) denying his application for withholding of removal. Charoliya argues that he demonstrated a well-founded fear of persecution based upon the documentary evidence establishing that Hindu extremists seek to persecute and kill Muslims, such as Charoliya. Charoliya also maintains that the documents submitted establish that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

government officials condone or participate in such actions against Muslims. We conclude from a review of the record that the BIA's determination is supported by substantial evidence, and the record does not compel a conclusion contrary to the BIA's denial of withholding of removal. *See Eduard v. Ashcroft*, 379 F.3d 182, 193 (5th Cir. 2004); *Chun v. INS*, 40 F.3d 76, 78 (5th Cir. 1994); 8 C.F.R. § 208.16(b).

Charoliya concedes that his asylum application was untimely and does not challenge the finding that he failed to establish that he was entitled to relief under the CAT; thus, these claims are abandoned. *See Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003).

The petition for review is DENIED.