

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-5040
Summary Calendar

IFEANYICHUKWU WAOBIKEZE,

Petitioner,

VERSUS

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

Petition for Review of an Order of
the Board of Immigration Appeals
A 26 429 874

April 30, 1993

Before HIGGINBOTHAM, SMITH, and DeMOSS, Circuit Judges.

JERRY E. SMITH, Circuit Judge:*

Ifeanyichukwu Waobikeze, a native and citizen of Nigeria, was found deportable by an immigration judge ("IJ") under section 241(a)(1)(C)(i) and (2)(A)(ii) of the Immigration and Nationality Act, 8 U.S.C. § 1251(a)(1)(C)(i) and (2)(A)(ii) for having failed to maintain the status in which he was admitted and having been convicted of two or more crimes involving moral turpitude not

* Local Rule 47.5.1 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that rule, the court has determined that this opinion should not be published.

arising out of a single scheme of criminal misconduct. Waobikeze applied for asylum and withholding of deportation at his deportation hearing, but the IJ found that he had not established eligibility for such relief. The Board of Immigration Appeals ("BIA") upheld the IJ's decision.

While in this country, Waobikeze was convicted on at least eight occasions, primarily for misdemeanor thefts, at least one of which was enhanced to a felony because of the prior convictions. Despite these convictions, Waobikeze claims that he is entitled to asylum because if he is returned to Nigeria he will be persecuted because of his past involvement in student activities in Nigeria.

The IJ, however, found that "a reasonable person in [Waobikeze's] circumstances would not have reason to fear, would not have a well-founded fear of persecution if he were to be returned to Nigeria." The IJ based her decision upon facts such as that Waobikeze's student activities had occurred some 13½ years ago, a period "virtually remote in time." The IJ found that some of Waobikeze's assertions in support of asylum "are so garbled and shrouded in mystery and lack of specificity which the law requires that they simply cannot be given any credence." The IJ also determined that Waobikeze had failed to establish that his fear of persecution was countrywide.

We affirm, essentially for the reasons set forth by the BIA in its decision. Under INS v. Elias-Zacarias, 112 S. Ct. 812, 817 (1992), concerning the substantial-evidence standard of

review, in order for a court to reverse the BIA's decision, an alien must show that his evidence "was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution." Accord Silwany-Rodriguez v. INS, 975 F.2d 1175, 1160 (5th Cir. 1992).

Waobikeze fails to satisfy this standard. His evidence is less than compelling, and the IJ found that his testimony was "far less than credible." Moreover, because of his numerous convictions, he is statutorily ineligible for suspension of deportation under 8 U.S.C. § 1254(a). Accordingly, the decision of the BIA is AFFIRMED, and the petition for review is DISMISSED.