

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-5565
Summary Calendar

JOSE LUIS RODRIGUEZ-JUAREZ,

Petitioner,

VERSUS

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

Petition for Review of an Order
of the Board of Immigration Appeals
(A29-597-217)

(July 19, 1994)

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:*

Jose Rodriguez-Juarez seeks review of an order of the Board of Immigration Appeals ("BIA") denying him asylum and denying withholding of deportation. We deny review essentially for the reasons given by the BIA in its decision and order dated November 5, 1993.

We review the BIA's factual conclusions regarding an alien's eligibility for asylum to determine whether they are supported by

* 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 Pursuant to that rule, the court has determined that this opinion should not be published.

substantial evidence. 8 U.S.C. § 1105a(a)(4); Rivera-Cruz v. INS, 948 F.2d 962, 966 n.2 (5th Cir. 1992). "All the substantial evidence standard requires is that the BIA's conclusion, based on the evidence presented, be substantially reasonable." Diaz-Escobar v. INS, 782 F.2d 1488, 1493 (9th Cir. 1986).

In order to prevail, an alien "must show that the evidence he presented was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution." INS v. Elias-Zacarias, 112 S. Ct. 812, 817 (1992). Rodriguez-Juarez has not made such a showing, as there are ample facts in the record from which the BIA reasonably could have concluded that Rodriguez-Juarez did not have a well-founded fear of persecution.

The BIA "regard[ed] [Rodriguez-Juarez's] claim as largely speculative." Importantly, the BIA noted the following facts in support of its conclusion:

The respondent was released unharmed after a single incident of detention for questioning which, at least partially, concerned an unrelated criminal matter. The respondent, by his own admission, continued in his chosen profession after this detention, and even continued to participate in additional demonstrations. The respondent remained in Honduras until January of 1992, and was never arrested or detained again. As noted by the [INS], if the authorities took no action against the respondent in the 2½ years following his release from detention, there is no reason to suspect that the respondent would now be in danger if returned to Honduras.

While there are facts in Rodriguez-Juarez's favor, we do not second-guess the BIA's findings unless they are not supported by substantial evidence. Concluding that substantial evidence has been presented, we DENY the petition for review.