

UNITED STATES COURT OF APPEALS  
for the Fifth Circuit

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No. 94-40894  
Summary Calendar

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CARLOS IVAN HERNANDEZ,

Petitioner,

VERSUS

THE IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

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Petition for Review of an order of  
Board of Immigration Appeals  
(A28-651-338)

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(June 19, 1995)

Before GARWOOD, HIGGINBOTHAM and DAVIS, Circuit Judges

PER CURIAM:<sup>1</sup>

Carlos Ivan Hernandez petitions us to review the Board of Immigration Appeals' ("the Board"'s) denial of his applications for asylum and withholding of deportation. We dismiss the petition.

I.

Hernandez is a married, fifty-five year old native of Nicaragua. Hernandez, a member of the Liberal Party, worked as an

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<sup>1</sup>Local Rule 47.5 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

accountant for a bank in Nicaragua when the Sandinistas took over and nationalized the banks in 1979. As a bank employee, he was required by the Sandinistas to serve in a military reserve unit. The Sandinistas also demanded that he perform other duties, such as patrol the bank and participate in recruiting underage boys into the military. When Hernandez resisted performing these duties he suffered mistreatment at the hands of the Sandinistas: he was subjected to several brief detentions; he was forced to leave the bank and work for the Ministry of Construction; he was verbally warned that his resistance would have serious consequences, such as facing the Peoples' Tribunals; and his paychecks were withheld several times. In 1983, Hernandez joined the Conservative Democratic Party, and his mistreatment continued: he was warned that continued participation would result in facing the tribunal; he was arrested for two-days and subjected to interrogation; he was placed under house arrest for one to two weeks; his house was vandalized; and his food ration card was revoked after his family left Nicaragua.

Hernandez entered the United States without inspection in September 1988. He conceded deportability but sought asylum and withholding of deportation. Following a hearing in March 1990, the Immigration judge denied Hernandez's applications. The Board affirmed, and this appeal followed.

## II.

"The Board's factual finding that an alien is not eligible for consideration for asylum must be upheld if it is supported by

substantial evidence. To reverse the Board's decision, [Hernandez] must `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) (quoting INS v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992)). For reasons that follow, we conclude that substantial evidence supports the Board's decision that Hernandez is ineligible for asylum or withholding of deportation.

The Board first concluded that Hernandez had not suffered past persecution on account of political opinion. It based this conclusion on two grounds: (1) that Hernandez's mistreatment was based on his refusal to participate in Sandinista activities or to perform his required duties, not on his political opinion; and (2) that even if his mistreatment was based in part on his political opinion, the mistreatment did not rise to the level of persecution. Second, the Board concluded that Hernandez had not shown a well-founded fear of future persecution. In doing so, it took administrative notice of the change in conditions in Nicaragua. It also found that no evidence indicated that a person in Hernandez's position has been targeted or harmed by the Sandinistas since the new government took control.

We need not address all the above findings because we conclude that substantial evidence supported the Board's finding that Hernandez had not shown a well-founded fear of future persecution. A petitioner must present "specific, detailed facts showing a good reason to fear that he or she will be singled out for persecution."

Faddoul v. INS, 7 F.3d 185, 188 (5th Cir. 1994). The new Nicaraguan government has been in place for five years. Although there are isolated pockets of violence and some evidence of continued Sandinista influence, the Board was entitled to conclude that only active and highly visible members of the Contras have been individually targeted for retribution. Hernandez presented no evidence that the Sandinistas have imprisoned or harmed anyone merely on account of past association with a political party opposed to the Sandinistas or on account of former refusal to participate.

For the reasons stated above, Hernandez's petition is DISMISSED.