

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 96-60490
Summary Calendar

PASCUAL REN,

Petitioner,

VERSUS

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals

(A-70-671-591)

May 15, 1997

Before WISDOM, KING, and SMITH, Circuit Judges.

PER CURIAM:*

The appellant, Pascual Ren, petitions this court to review the decision of the Board of Immigration Appeals upholding the Immigration Judge's denial of his petition for asylum and withholding of deportation.

We will not reverse the findings of the Board of Immigration Appeals, Immigration Judge if the Board adopted his findings, if there is substantial evidence to support his findings.

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

decision. Jukic v. I.N.S., 40 F.3d 747, 749 (5th Cir. 1994). Reversal is the evidence is "so compelling that no reasonable fact-finder could fail to fear of persecution". I.N.S. v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992)

A review of the record indicates that Ren has not shown evidence of fear of persecution because of one of the five statutory grounds in the definition at 8 U.S.C. § 1101(a)(42)(a). Rather, Ren's fear was one of conscription on his refusal to be recruited. Hence, as the Immigration Judge found, any persecution experienced or fears he will experience is a result of his refusal to fight. Abuse its discretion, therefore, in upholding the decision of the Immigration Judge.

Ren contends that under international law he should be granted temporary asylum in the United States as a place of safe haven. That issue was not raised before the court and the court should not consider it. Ozdemir v. I.N.S., 46 F.3d 6, 8 (5th Cir. 1994). Further, international law controls only where there is no treaty and no controlling legislative act or judicial decision. Gisbert v. U.S. Attorney Gen., 988 F.2d 1000 (5th Cir. 1993).

The petition for review is **DENIED**.