

January 26, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-60902
Summary Calendar

RAHIM MAKNOJIA,

Petitioner,

versus

ALBERTO R. GONZALES, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A95-453-791

Before REAVLEY, BARKSDALE and STEWART, Circuit Judges.

PER CURIAM:*

Rahim Maknojia petitions for review of an order to the Board of Immigration Appeals (BIA) affirming an order of the immigration judge (IJ) denying his application for asylum, withholding of removal, and for relief under the Convention Against Torture (CAT).

Maknojia does not dispute that he did not file a timely asylum application, but he argues that he met his burden of showing that extraordinary circumstances prevented his timely filing. We lack jurisdiction to review this claim, and the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

petition for review as to this claim is dismissed. See [8 U.S.C. § 1158\(a\)\(3\)](#); [Zhu v. Ashcroft](#), [382 F.3d 521, 527](#) (5th Cir. 2005).

Maknojia challenges the determination that he is not entitled to withholding of removal based on his Muslim religion or to protection under the Convention Against Torture (CAT). We must defer to the BIA's decision unless the evidence compels a contrary conclusion. [Carbajal-Gonzalez v. INS](#), [78 F.3d 194, 197](#) (5th Cir. 1996). The determination that Maknojia is not entitled to withholding of removal under the Immigration and Nationality Act (INA) or to protection under the CAT is supported by substantial evidence, and Maknojia has not shown that the record compels a contrary conclusion. The petition for review is denied as to these claims.

DISMISSED in part; DENIED in part.