

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

November 29, 2011

No. 10-60897
Summary Calendar

Lyle W. Cayce
Clerk

HUGO MAIRENA-MONCADA, also known as Hugo Moncada Mairena,

Petitioner

v.

ERIC H. HOLDER, JR., U.S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A088 809 225

Before BARKSDALE, STEWART, and PRADO, Circuit Judges.

PER CURIAM:*

Hugo Mairena-Moncada petitions for review of the Board of Immigration Appeals' (BIA) dismissal of his appeal from the Immigration Judge's order denying withholding of removal. The BIA's determination that an alien is not eligible for withholding of removal is a finding of fact reviewed under the substantial evidence standard. *E.g., Efe v. Ashcroft*, 293 F.3d 899, 903 (5th Cir. 2002). "We will affirm the B[IA]'s decision unless the evidence compels a contrary conclusion." *Carbajal-Gonzalez v. INS*, 78 F.3d 194, 197 (5th Cir. 1996).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Mairena contends the BIA erred in determining he did not demonstrate past persecution. Substantial evidence supports that finding. Mairena's account of verbal threats over a four to five month period and one physical attack does not constitute past persecution. *See Eduard v. Ashcroft*, 379 F.3d 182, 187-88 (5th Cir. 2004); *Abdel-Masieh v. INS*, 73 F.3d 579, 583-84 (5th Cir. 1996).

Mairena also contends the BIA erred in determining he had not established a well-founded fear of future persecution. Because Mairena's above-described past treatment does not amount to persecution, it does not support a presumption of future persecution. *See* 8 C.F.R. § 208.16(b)(1)(i) (showing of past persecution results in rebuttable presumption life will be threatened in future). Additionally, Mairena's generalized fear of violence cannot constitute a well-founded fear of future persecution. *See Eduard*, 379 F.3d at 190. Further, the reasonableness of Mairena's fear of future persecution is diminished because a number of Mairena's family members have continued to reside in Nicaragua and have remained unharmed. *Id.* at 193.

DENIED.