

February 23, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60206
Summary Calendar

ANDRES F. MORALES,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A78-600-720

Before GARWOOD, DEMOSS and CLEMENT, Circuit Judges.

PER CURIAM:*

Andres F. Morales petitions for review of an order of the Board of Immigration Appeals (BIA) affirming the Immigration Judge's decision to deny his application for asylum and withholding of removal under the Immigration and Nationality Act. He argues that the BIA erred in determining that he was not persecuted based upon his being in a particular social group.

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 R. 47.5 the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

This court will uphold the findings that an alien is not eligible for asylum or withholding if those findings are supported by substantial evidence. *Chun v. INS*, 40 F.3d 76, 78 (5th Cir. 1994). Under this standard, the BIA's determination will be affirmed unless the "evidence compels a contrary conclusion." *Carbajal-Gonzalez v. INS*, 78 F.3d 194, 197 (5th Cir. 1996).

The evidence presented to the BIA does not compel the conclusion that Morales was persecuted based on his association in a particular social group. See *Carbajal-Gonzalez*, 78 F.3d at 197; *Faddoul v. INS*, 37 F.3d 185, 188 (5th Cir. 1994); *Adebisi v. INS*, 952 F.2d 910, 912 (5th Cir. 1992). To be eligible for withholding of deportation, an alien must demonstrate a "clear probability" of persecution upon return. *Faddoul*, 37 F.3d at 188. Because Morales failed to show a well-founded fear of persecution on a protected ground as required for asylum, he also failed to show a clear probability of persecution as required by the more stringent standard for withholding of deportation. See *id.*

PETITION DENIED.