

January 29, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60375
Summary Calendar

FISEHA TAYE,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A74 082 560

Before HIGGINBOTHAM, DAVIS and PRADO, Circuit Judges.

PER CURIAM:*

Fiseha Taye petitions for review of an order from the Board of Immigration Appeals (BIA) summarily affirming the immigration judge's (IJ) decision to deny his application for withholding of removal under the Convention Against Torture (CAT).

After reviewing the record and the briefs, we conclude that the decision is supported by substantial evidence and that the evidence in the record does not compel a conclusion contrary to that reached by the IJ and BIA that Taye failed to show that it

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

was more likely than not that he would be tortured if he were to return to Germany or Ethiopia. See 8 C.F.R. § 208.16(c)(2), INS v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992); Mikhael v. INS, 115 F.3d 299, 302 (5th Cir. 1997). Therefore, we DENY the petition for review.