

March 28, 2006

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 04-61055
Summary Calendar

KHADY THI AM LUTUTA,

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 886 018

Before JONES, Chief Judge, and BARKSDALE and BENAVIDES, Circuit Judges.

PER CURIAM: *

Khady Thi am Lututa, a native and citizen of the Democratic Republic of the Congo, has petitioned for review of an order of the Board of Immigration Appeals (BIA) affirming the immigration judge's (IJ) decision dismissing as frivolous Lututa's application for asylum, for withholding of deportation, and for relief under the Convention Against Torture (CAT). Lututa has failed to show that the record compels reversal of the finding of the IJ that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Lututa failed to give credible testimony that she is entitled to asylum or withholding of removal and that the application is frivolous. See Chun v. INS, 40 F.3d 76, 78 (5th Cir. 1994); Mikhael v. INS, 115 F.3d 299, 306 (5th Cir. 1997). Because Lututa does not argue in her brief that she is entitled to relief under the CAT, she has abandoned any challenge to the denial of that relief. See Rodriguez v. INS, 9 F.3d 408, 414 n.15 (5th Cir. 1993). Accordingly, Lututa's petition for review of the BIA's affirmation of the IJ's dismissal as frivolous of her application for asylum, withholding of removal, and relief under the CAT is **DENIED**.