

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60645
Summary Calendar

FRANCIS DIBI KOFFI,

Petitioner,

versus

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A73-764-311

July 31, 1997

Before HIGGINBOTHAM, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Francis Dibi Koffi appeals the Board of Immigration Appeal's (BIA) decision affirming the Immigration Judge's decision to deny asylum, withholding of deportation, and voluntary departure. After reviewing the record and the briefs, we deny the petition for 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

following reasons:

1. There is substantial evidence to support the BIA's determination that Koffi did not suffer either past persecution or a well-founded fear of future persecution. And because Koffi has not shown that he can prevail under the lesser well-founded fear of persecution standard applicable to his eligibility for political asylum, he cannot prevail under the higher clear-probability-of-persecution standard applicable to withholding of deportation.
2. Koffi's assertion that he is eligible for voluntary departure is without merit. Koffi was convicted of a crime of moral turpitude within five years of his application for voluntary departure. Accordingly, Koffi is not eligible for voluntary departure. See 8 U.S.C. § 1254(e); *id.* § 1101(f)(3); *id.* § 1182(a)(9).

Petition for Review DENIED.