

July 19, 2006

Charles R. Fulbruge III
Clerk

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

No. 05-60672
Summary Calendar

ARIF ALEEM KHAN,

Petitioner,

versus

ALBERTO R. GONZALES, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A79 008 162

Before BARKSDALE, STEWART and CLEMENT, Circuit Judges.

PER CURIAM:*

Arif Aleem Khan (Khan), a native and citizen of Pakistan, petitions for review of the order of the Board of Immigration Appeals (BIA) adopting and affirming the immigration judge's (IJ) decision denying his application for withholding of removal under the Immigration and Naturalization Act (INA) and the Convention Against Torture Act (CAT Act). We will uphold findings that an alien is not eligible for withholding of removal if the findings are supported by substantial evidence. *Efe*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

v. Ashcroft, 293 F.3d 899, 906 (5th Cir. 2002). Under the substantial evidence standard, reversal of the BIA's decision is improper unless the alien shows that the evidence compels it. *Majd v. Gonzales*, 446 F.3d 590, 594 (5th Cir. 2006).

Khan fails to show that substantial evidence supports that he has suffered past persecution or will more than likely suffer persecution or torture if he is returned to Pakistan. *See* 8 C.F.R. § 208.16(c)(3); *Majd*, 446 F.3d at 594-95; *Adebisi v. INS*, 952 F.2d 910, 913 (5th Cir. 1992). Additionally, Khan did not file in the administrative proceedings a motion regarding a continuance or a change in status. Therefore, this issue was not exhausted, and we will not consider it. *See* 8 U.S.C. § 1252(d)(1); *Roy v. Ashcroft*, 389 F.3d 132, 137 (5th Cir. 2004).

Khan's petition for review is DENIED.