

June 29, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-60892  
Summary Calendar

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RAHIBHAI SADRUDDIN MOMIN,

Petitioner,

versus

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

Respondent.

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A95 215 262  
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Before HIGGINBOTHAM, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Rahibhai Sadruddin Momin (Momin), a native and citizen of India, 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, relief under the Convention Against Torture Act (the CAT Act), and voluntary departure. We will uphold findings that an alien is not eligible for withholding of removal or protection under the CAT Act if the findings are supported by substantial evidence. Efe v. Ashcroft, 293 F.3d 899, 906 (5th Cir. 2002).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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, \_\_\_ F.3d \_\_\_, 2006 WL 990740, \*3 (5th Cir. Apr. 17, 2006) (No. 05-60141).

Our review of the record reveals there is substantial evidence to support the IJ's rulings that: (1) Momin did not suffer past persecution; and (2) he has not shown that it is more likely than not he will suffer persecution or torture if he is returned to India. See 8 C.F.R. § 208.16(c)(3); Eduard v. Ashcroft, 379 F.3d 182, 187 n.4, 188 (5th Cir. 2004). Moreover, Momin has not shown that the evidence compels a reversal of the decision. Additionally, Momin does not challenge the denial of his request for voluntary departure. Accordingly, this issue is deemed abandoned. Calderon-Ontiveros v. INS, 809 F.2d 1050, 1052 (5th Cir. 1986).

Momin's petition for review is therefore DENIED.