

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-13022
Non-Argument Calendar

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT October 17, 2006 THOMAS K. KAHN CLERK</p>

BIA No. A72-418-714

YODIT AMDE ZELLEKE,

Petitioner,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of a Decision of the
Board of Immigration Appeals

(October 17, 2006)

Before TJOFLAT, BLACK and BARKETT, Circuit Judges.

PER CURIAM:

The sole issue before us on this petition to review the Board of Immigration Appeals' ("BIA") December 17, 2004 decision affirming the May 6, 2003 decision of the Immigration Judge ("IJ") is whether substantial evidence supports the BIA's and the IJ's determination that Petitioner failed to establish eligibility for protection under the U.N. Convention Against Torture ("CAT"). We conclude that such determination is supported by substantial evidence and therefore deny the petition.

Petitioner is an Ethiopian citizen born and raised in Eritrea. Her mother is of Eritrean ethnicity; her father, now deceased, was Ethiopian. In 1998, a border war broke out between Eritrea and Ethiopia. During the war, great numbers of Eritreans and Ethiopians of Eritrean ethnicity were deported from Ethiopia to Eritrea. The hostilities formally ended in 2000, when the two countries signed a peace accord. Thereafter, such deportations generally ceased.

Petitioner failed to present any evidence that she would be tortured if removed to Ethiopia. Moreover, she presented no evidence that earlier, while in Ethiopia, she, her mother or her brothers had been tortured. In short, nothing in the record supports her position that currently similarly situated Eritreans or Ethiopians of Eritrean ethnicity are being tortured on account of their ethnicity.

Because Petitioner failed to establish that it is more likely than not that she

will be detained arbitrarily by the Ethiopian government and tortured if returned to Ethiopia, the IJ and BIA properly denied her CAT relief.

PETITION DENIED.