

United States Court of Appeals

Fifth Circuit

F I L E DIN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

October 12, 2006

Charles R. Fulbruge III
ClerkNo. 05-60862
Summary Calendar

ENRIQUE REYES,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A29 934 289

Before JOLLY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Enrique Reyes, a native and citizen of Honduras, petitions this court to review the decision of the Board of Immigration Appeals denying his application for asylum, withholding of removal, and relief under the Convention Against Torture (CAT). Reyes argues that he demonstrated past persecution because of his political opinion and that he would likely be persecuted on that basis in Honduras in the future. He also argues that he is entitled to relief under the CAT.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

After reviewing the record, we conclude that substantial evidence supports the finding that Reyes and his wife were not persecuted because of their political beliefs. Likewise, substantial evidence supports the finding that Reyes is not likely to be persecuted because of his political opinion upon his removal to Honduras. Accordingly, we affirm the denial of his applications for asylum and withholding of removal. See 8 U.S.C. §§ 1101(a)(42)(A), 1231(b)(3); Mikhael v. INS, 115 F.3d 299, 302 (5th Cir. 1997); Chun v. INS, 40 F.3d 76, 78 (5th Cir. 1994). We also find that substantial evidence supports the determination that Reyes was not entitled to relief under the CAT because he did not establish that the Honduran government is likely to instigate or condone his torture. See 8 C.F.R. §§ 208.16(c)(2), 208.18(a)(1); Zhang v. Gonzales, 432 F.3d 339, 344 (5th Cir. 2005).

The petition for review is DENIED.