

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 18, 2022

Lyle W. Cayce
Clerk

No. 21-60147
Summary Calendar

RAFIQ RAJABBHAI KADIWAL,

Petitioner,

versus

MERRICK GARLAND, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A200 941 146

Before JOLLY, WILLETT, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Rafiq Rajabbhai Kadiwal, a native and citizen of India, petitions for review of a decision of the Board of Immigration Appeals (BIA) dismissing his appeal from a decision of the Immigration Judge (IJ) concluding that he was ineligible for asylum, withholding of removal, and relief under the

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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Convention Against Torture (CAT). He challenges the BIA's conclusions that he has not shown eligibility for asylum and withholding because he failed to show past persecution or a well-founded fear of future persecution. He also challenges the BIA's conclusion that he had not shown eligibility for CAT relief. These arguments are reviewed under the substantial evidence standard. *See Zhang v. Gonzales*, 432 F.3d 339, 344 (5th Cir. 2005). Additionally, we review the decision of the BIA and consider the IJ's decision only insofar as it influenced the BIA. *See Singh v. Sessions*, 880 F.3d 220, 224 (5th Cir. 2018).

Kadiwal has not shown that substantial evidence compels a conclusion contrary to that of the BIA on the issue whether he showed past persecution or a well-founded fear of future persecution. *See INS v. Elias-Zacarias*, 502 U.S. 478, 481 (1992); *Vazquez-Guerra v. Garland*, 7 F. 4th 265, 270-71 (5th Cir. 2021), *cert. denied*, 142 S. Ct. 1228 (2022); *Zhang*, 432 F.3d at 344. Consequently, he has not shown that substantial evidence compels a conclusion contrary to that of the BIA on the issue whether he showed eligibility for withholding. *See Vazquez-Guerra v. Garland*, 7 F. 4th 265, 270-71 (5th Cir. 2021), *cert. denied*, 142 S. Ct. 1228 (2022); *Efe v. Ashcroft*, 293 F.3d 899, 906 (5th Cir. 2002). Additionally, Kadiwal fails to show that the record compels a conclusion contrary to the BIA's that he failed to establish that it was more likely than not that he would be tortured were he repatriated to India by or with the acquiescence of a government official. *See Zhang*, 432 F.3d at 344.

Finally, Kadiwal abandons for failure to brief any challenge to the BIA's finding that the IJ did not commit error in denying his motion for a continuance of his merits hearing. *See Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003).

The petition for review is DENIED.