

United States Court of Appeals

Fifth Circuit

FILED

February 2, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60020
Summary Calendar

KATUNGU NGELEZA,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A75 352 600

Before BARKSDALE, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:*

Katunga Ngeleza, a native and citizen of the Democratic Republic of Congo, formerly Zaire, appeals the Board of Immigration Appeals' ("BIA") order affirming the order denying her application for asylum and withholding of removal. She argues that the Immigration Judge ("IJ") erred in determining that filed a frivolous asylum application and lied under oath. She further argues that the IJ violated her due process rights by

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 03-60020

-2-

allowing an incompetent interpretation of the proceedings, over her objection.

The IJ's determination that Ngeleza filed a frivolous asylum application and lied under oath is supported by substantial evidence. See Moin v. Ashcroft, 335 F.3d 415, 418 (5th Cir. 2003). Ngeleza has not provided this court with compelling evidence warranting reversal of the IJ's determination. Id.

Ngeleza's due process argument is without merit. Our review of the record reveals that Ngeleza did not object to the testimony at issue. Moreover, she cannot demonstrate that she was substantially prejudiced by the interpretation. Anwar v. INS, 116 F.3d 140, 144 (5th Cir. 1997). Accordingly, her petition for review is DENIED.