

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

No. 04-2431

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YUKI TJEN,

Petitioner

v.

ALBERTO GONZALES, ATTORNEY  
GENERAL OF THE UNITED STATES;  
THE UNITED STATES DEPARTMENT OF JUSTICE;  
MICHAEL CHERTOFF, SECRETARY OF THE DEPARTMENT  
OF HOMELAND SECURITY; AND THE DEPARTMENT OF  
HOMELAND SECURITY,

Respondents<sup>1</sup>

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On Petition for Review of a Decision  
of the Board of Immigration Appeals  
(BIA No. A95-429-619)

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Submitted under Third Circuit LAR 34.1(a)  
June 3, 2005

BEFORE: FUENTES, GREENBERG, and COWEN, Circuit Judges

(Filed: June 14, 2005)

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<sup>1</sup>Pursuant to Fed. R. App. P. 43(b)(2) Alberto Gonzales and Michael Chertoff automatically have been substituted for John Ashcroft and Thomas Ridge as parties in these proceedings.

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OPINION OF THE COURT

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GREENBERG, Circuit Judge.

This matter comes on before the court on a petition for review of the decision of the Board of Immigration Appeals entered April 21, 2004, dismissing Yuki Tjen's appeal from a decision and order of an immigration judge which, inter alia, denied Tjen's applications for asylum and withholding of removal. We have jurisdiction under section 242(a)(1) of the Immigration and Nationality Act, 8 U.S.C. § 1252(a)(1). In these proceedings we will uphold the administrative determination if substantial evidence supports the determination that Tjen did not establish that he is a refugee entitled to relief on one of the enumerated statutory grounds. See Gao v. Ashcroft, 299 F.3d 266, 272 (3d Cir. 2002). After our review of this matter we are satisfied that it is perfectly clear that substantial evidence supports the administrative determination and thus Tjen is not entitled to relief. Accordingly, the BIA properly dismissed his appeal.

The petition for review of the decision of April 21, 2004, will be denied.