

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1729

FNU IRWINA,

Petitioner,

versus

ALBERTO R. GONZALES,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A95-423-293)

Submitted: December 12, 2005

Decided: January 10, 2006

Before NIEMEYER, KING, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Aria Shariati, SHARIATI AND ASSOCIATES, P.C., Washington, D.C., for Petitioner. Frank D. Whitney, United States Attorney, Anne M. Hayes, Christine Witcover Dean, Assistant United States Attorneys, Raleigh, North Carolina, for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Fnu Irwina, a native and citizen of Indonesia, petitions for review of an order of the Board of Immigration Appeals affirming without opinion the Immigration Judge's order denying her applications for asylum, withholding of removal, and protection under the Convention Against Torture (CAT). Irwina contends that the Board and Immigration Judge erred in finding her ineligible for withholding of removal and relief pursuant to CAT.

"To qualify for withholding of removal, a petitioner must show that he faces a clear probability of persecution because of his race, religion, nationality, membership in a particular social group, or political opinion." Rusu v. INS, 296 F.3d 316, 324 n.13 (4th Cir. 2002) (citing INS v. Stevic, 467 U.S. 407, 430 (1984)). To qualify for protection under the Convention Against Torture, a petitioner bears the burden of demonstrating that "it is more likely than not that he or she would be tortured if removed to the proposed country of removal." 8 C.F.R. § 1208.16(c)(2) (2005). Having conducted our review, we conclude that substantial evidence supports the finding that Irwina failed to meet these standards.

We accordingly deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED