<u>**UNPUBLISHED**</u>

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 06-1166

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WILVER TORRES,

Petitioner,

versus

ALBERTO R. GONZALES, U.S. Attorney General,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A73-039-440)

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Submitted: September 27, 2006   Decided: November 13, 2006

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Before MOTZ, KING, and SHEDD, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Ronald D. Richey, LAW OFFICE OF RONALD D. RICHEY, Rockville, Maryland, for Petitioner. Rod J. Rosenstein, United States Attorney, Allen F. Loucks, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Wilver Torres, a native and citizen of Guatemala, petitions for review of an order of the Board of Immigration Appeals adopting and affirming the Immigration Judge's (IJ) denial of his applications for asylum, withholding of removal, and protection under the Convention Against Torture.

To obtain reversal of a determination denying eligibility for relief, an alien "must show that the evidence he presented was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution." INS v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992). We have reviewed the evidence of record and conclude that Torres fails to show that the evidence compels a contrary result. Having failed to qualify for asylum, Torres cannot meet the higher standard to qualify for withholding of removal. Chen v. INS, 195 F.3d 198, 205 (4th Cir. 1999); INS v. Cardoza-Fonseca, 480 U.S. 421, 430 (1987). In addition, we uphold the IJ's finding that Torres failed to establish that it was more likely than not that he would be tortured if removed to Guatemala. See 8 C.F.R. § 1208.16(c)(2) (2006).

Accordingly, we 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