

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-2011

SONG WU LIN,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A73-181-936)

Submitted: April 30, 2007

Decided: May 11, 2007

Before WILKINSON, WILLIAMS, and MICHAEL, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Song Wu Lin, Petitioner Pro Se. Carol Federighi, Kristin Kay Edison, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Song Wu Lin, a native and citizen of the People's Republic of China, petitions for review of an order of the Board of Immigration Appeals denying his applications for asylum, withholding of removal, and protection under the Convention Against Torture. We deny the petition.*

In his petition for review, Lin maintains that he met his burden of proof for his request for asylum. 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 (1992). We have reviewed the evidence of record and conclude that Lin fails to show that the evidence compels a contrary result.

Additionally, we uphold the denial of Lin's request for withholding of removal. "Because the burden of proof for withholding of removal is higher than for asylum--even though the facts that must be proved are the same--an applicant who is ineligible for asylum is necessarily ineligible for withholding of removal." Camara v. Ashcroft, 378 F.3d 361, 367 (4th Cir. 2004).

*As Lin fails to set forth any argument concerning the denial of protection under the Convention Against Torture, we find that this claim has been abandoned on appeal. See Yousefi v. INS, 260 F.3d 318, 326 (4th Cir. 2001).

Because Lin fails to show that he is eligible for asylum, he cannot meet the higher standard for withholding of removal.

Accordingly, though we grant Lin leave to proceed in forma pauperis, 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