

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1452

KULWINDER SINGH,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A73-001-872)

Submitted: March 27, 2006

Decided: April 14, 2006

Before NIEMEYER and LUTTIG, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Joseph Peter Drennan, Alexandria, Virginia; James T. Reynolds, PAUL SHEARMAN ALLEN & ASSOCIATES, Washington, D.C.; Steffanie Jones Lewis, INTERNATIONAL BUSINESS LAW FIRM, Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, Jeffrey L. Oldham, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.; M. Jocelyn Lopez Wright, Assistant Director, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Kulwinder Singh, a native and citizen of India, petitions for review of an order of the Board of Immigration Appeals 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 Singh fails to show that the evidence compels a contrary result. Having failed to qualify for asylum, Singh 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).

We also uphold the IJ's finding Singh failed to establish eligibility for protection under the Convention Against Torture. See 8 C.F.R. § 1208.16(c)(2) (2005). 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