Gwem v. Gonzales Doc. 920060801

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-2378

NORBERT GWEM,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A96-103-925)

Submitted: July 21, 2006 Decided: August 1, 2006

Before WILKINSON, NIEMEYER, and MOTZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Norbert Gwem, Petitioner Pro Se. Daniel Eric Goldman, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.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

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PER CURIAM:

Norbert Gwem, a native and citizen of Cameroon, petitions for review of an order of the Board of Immigration Appeals dismissing his appeal from the immigration judge's decision denying his requests for asylum, withholding of removal, and protection under the Convention Against Torture.

In his petition for review, Gwem challenges the determination that he failed to establish his eligibility 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, 483-84 (1992). We have reviewed the evidence of record and conclude that Gwem fails to show that the evidence compels a contrary result. Accordingly, we cannot grant the relief that he seeks.

Additionally, we uphold the denial of Gwem'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 under [8 U.S.C.] § 1231(b)(3)." Camara v. Ashcroft, 378 F.3d 361, 367 (4th Cir. 2004). Because Gwem fails to show that he

is eligible for asylum, he cannot meet the higher standard for withholding of removal.*

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

*Gwem does not challenge the denial of his request for protection under the Convention Against Torture in his petition for review.