

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1719

GREGORY YELEKPU WIRBA,

Petitioner,

versus

MICHAEL B. MUKASEY, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A98-166-823)

Submitted: November 14, 2007

Decided: December 14, 2007

Before KING and SHEDD, Circuit Judges, and Henry F. FLOYD, United States District Judge for the District of South Carolina, sitting by designation.

Petition denied by unpublished per curiam opinion.

Kell Enow, LAW OFFICES OF ENOW AND PATCHA, Silver Spring, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Laurie Snyder, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

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

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 Wirba fails to show that the evidence compels a contrary result. Having failed to qualify for asylum, Wirba 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). Further, we find that Wirba did not establish eligibility for protection under CAT. See 8 C.F.R. § 1208.16(c)(2) (2007). Finally, Wirba's claim that the IJ and Board erred in finding that Wirba filed a frivolous asylum application is without merit. See 8 U.S.C.A. § 1158(d)(4), (6) (West 2005); 8 C.F.R. § 1208.20 (2007).

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