

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1733

MUHAMMAD HUSSAIN ALI SHAH,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A79-238-887)

Submitted: March 16, 2007

Decided: April 16, 2007

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

Petition denied by unpublished per curiam opinion.

Sam H. Hasan, HASAN LAW GROUP, Falls Church, Virginia, for Petitioner. Peter D. Keisler, Assistant Attorney General, Leslie McKay, Senior Litigation Counsel, Kelly J. Walls, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Muhammad Hussain Ali Shah, a native and citizen of Pakistan, petitions for review of an order of the Board of Immigration Appeals adopting the Immigration Judge's (IJ) order denying his applications for withholding of removal and protection under the Convention Against Torture.

"To qualify for withholding of removal, a petitioner must show that he faces a clear probability of persecution because of his race, religion, nationality, membership in a particular social group, or political opinion." Rusu v. INS, 296 F.3d 316, 324 n.13 (4th Cir. 2002) (citing INS v. Stevic, 467 U.S. 407, 430 (1984)). To establish eligibility for protection under the Convention Against Torture, a petitioner bears the burden of demonstrating that "it is more likely than not that he or she would be tortured if removed to the proposed country of removal." 8 C.F.R. § 1208.16(c)(2) (2005). Having conducted our review, we conclude that substantial evidence supports the finding that Shah failed to meet these standards.

Further, we find that the IJ did not abuse her discretion in denying Shah's request for a continuance. See Onyeme v. INS, 146 F.3d 227, 231 (4th Cir. 1998). Finally, we reject Shah's equal protection challenge to the NSEERS program. See Kandamar v. Gonzales, 464 F.3d 65, 73-74 (1st Cir. 2006); Ahmed v. Gonzales, 447 F.3d 433, 439-40 (5th Cir. 2006); Ali v. Gonzales, 440 F.3d

678, 681 n.4 (5th Cir. 2006); Zafar v. U.S. Att'y Gen., 461 F.3d 1357, 1367 (11th Cir. 2006).

We accordingly 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