

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-2095

AFFOUE MAMOUSSO KOUROUMA,

Petitioner,

versus

ALBERTO R. GONZALES,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A98-320-872)

Submitted: April 25, 2007

Decided: May 23, 2007

Before WILLIAMS, MICHAEL, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Randall L. Johnson, JOHNSON & ASSOCIATES, P.C., Arlington, Virginia, for Petitioner. Peter D. Keisler, Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Office of Immigration Litigation, Gregory M. Kelch, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Affoue Mamoussou Kourouma, a native and citizen of the Ivory Coast, petitions for review of an order of the Board of Immigration Appeals (Board) affirming the decision of the immigration judge denying her applications for asylum, withholding of removal, and protection under the Convention Against Torture.*

Kourouma seeks to challenge the immigration judge's finding that she failed to file her asylum application within one year of the date of her arrival in the United States, or to establish changed or extraordinary circumstances excusing timely filing. See 8 U.S.C. § 1158(a)(2)(B), (C) (2000). We conclude that we lack jurisdiction to review this determination pursuant to 8 U.S.C. § 1158(a)(3) (2000). See Zaidi v. Ashcroft, 377 F.3d 678, 680-81 (7th Cir. 2004) (collecting cases). Given this jurisdictional bar, we cannot review the underlying merits of Kourouma's asylum claim.

We retain jurisdiction, however, to consider the denial of Kourouma's request for withholding of removal. See 8 C.F.R. § 1208.4(a) (2006). "To qualify for withholding of removal, a petitioner must show that [s]he faces a clear probability of persecution because of h[er] race, religion, nationality,

*Kourouma does not challenge in this appeal the denial of protection under the Convention Against Torture, and therefore has abandoned that claim. Yousefi v. INS, 260 F.3d 318, 326 (4th Cir. 2001).

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)). Based on our review of the record, we find that substantial evidence supports the Board's holding that Kourouma failed to meet this standard.

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