

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1076

RISKE ISYE SYLVIA WAANI; EMELEE EUGENE
PELENKAHU,

Petitioners,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A98-381-225; A98-381-226)

Submitted: July 27, 2007

Decided: August 17, 2007

Before NIEMEYER and TRAXLER, Circuit Judges, and WILKINS, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Arnedo S. Valera, LAW OFFICES OF VALERA & ASSOCIATES, Fairfax, Virginia, for Petitioners. Peter D. Keisler, Assistant Attorney General, Mary Jane Candaux, Senior Litigation Counsel, Thomas B. Fatouros, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Riske Isye Sylvia Waani and her daughter, Emelee Eugene Pelenkahu, natives and citizens of Indonesia, petition for review of an order of the Board of Immigration Appeals denying their applications for asylum, withholding of removal, and protection under the Convention Against Torture.* Waani is the primary applicant; the claims of Pelenkahu are derivative of her application. See 8 U.S.C.A. § 1158(b)(3) (West 2005); 8 C.F.R. § 1208.21(a) (2007).

In her petition for review, Waani maintains that she met her burden of proof to establish eligibility for asylum. To obtain reversal of a determination denying such eligibility, an alien "must show that the evidence [s]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 Waani fails to show that the evidence compels a contrary result.

Additionally, we uphold the denial of Waani'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

*As no argument is made concerning the denial of protection under the Convention Against Torture, we find that this claim has been abandoned on appeal. See Yousefi v. INS, 260 F.3d 318, 326 (4th Cir. 2001) (stating failure to raise a claim in the opening brief results in abandonment of that claim).

ineligible for asylum is necessarily ineligible for withholding of removal" Camara v. Ashcroft, 378 F.3d 361, 367 (4th Cir. 2004). Because Waani fails to show that she is eligible for asylum, she 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