

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1273

NINI GUEHI,

Petitioner,

versus

MICHAEL B. MUKASEY, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A97-940-773)

Submitted: January 25, 2008

Decided: March 7, 2008

Before TRAXLER, KING, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Nancy Kelly, John Willshire, HARVARD IMMIGRATION AND REFUGEE CLINIC OF GREATER BOSTON LEGAL SERVICES, Boston, Massachusetts, for Petitioner. Peter D. Keisler, Assistant Attorney General, Carl H. McIntyre, Jr., Assistant Director, Susan K. Houser, Senior Litigation Counsel, 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Unpublished opinions are not binding precedent in this circuit.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:

Nini Guehi, a native and citizen of the Ivory Coast, petitions for review of an order of the Board of Immigration Appeals ("Board") affirming the immigration judge's decision denying her requests for asylum, withholding of removal, and protection under the Convention Against Torture.

In her petition for review, Guehi first asserts that the Board erred in finding she failed to establish by clear and convincing evidence that she filed her asylum application within one year of her arrival in the United States. We lack jurisdiction to review this determination pursuant to 8 U.S.C. § 1158(a)(3) (2000), even in light of the passage of the REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231. See *Almuhtaseb v. Gonzales*, 453 F.3d 743, 747-48 (6th Cir. 2006) (collecting cases). Given this jurisdictional bar, we cannot review the underlying merits of Guehi's asylum claim.

Guehi also contends that the Board and immigration judge erred in denying her request for withholding of removal. "[A]n alien asserting a claim for withholding of removal on persecution grounds must show that it is more likely than not that her life or freedom would be threatened in the proposed country of removal because of her race, religion, nationality, membership in a particular social group, or political opinion." *Niang v. Gonzales*, 492 F.3d 505, 510 (4th Cir. 2007) (internal quotation marks and

citation omitted). Based on our review of the record, we find that Guehi failed to make the requisite showing before the immigration court. We therefore uphold the denial of her request for withholding of removal.

We also find that substantial evidence supports the denial of relief under the Convention Against Torture. To obtain such relief, an applicant must establish 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) (2007). We find that Guehi failed to sustain her burden of proof before the immigration court.

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