

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1543

XIA LIAN HUANG,

Petitioner,

versus

MICHAEL B. MUKASEY, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration
Appeals. (A96-346-300)

Submitted: November 21, 2007

Decided: December 11, 2007

Before WILKINSON, NIEMEYER, and MOTZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Xia Lian Huang, Petitioner Pro Se. Javier E. Balasquide, Chief Counsel, DEPARTMENT OF HOMELAND SECURITY, Arlington, Virginia; Carol Federighi, Daniel Eric Goldman, Tyrone Sojourner, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.; George William Maugans, III, Special Assistant United States Attorney, Baltimore, Maryland, for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Xia Lian Huang, a native and citizen of the People's Republic of China, petitions for review of an order of the Board of Immigration Appeals ("Board") dismissing her appeal from the immigration judge's decision, which denied her requests for asylum, withholding of removal, and protection under the Convention Against Torture.

In her petition for review, Huang argues that the Board and immigration judge erred in concluding that her asylum application was time-barred. 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); see also Niang v. Gonzales, 492 F.3d 505, 510 n.5 (4th Cir. 2007). Given this jurisdictional bar, we cannot review the underlying merits of Huang's asylum claim.

Huang also contends that the Board and the immigration judge erred in denying her request for withholding of removal. "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, 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));

see 8 C.F.R. § 1208.16(b) (2007). Based on our review of the record, we find that Huang failed to make the requisite showing before the immigration court. We therefore uphold the denial of her request 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

*In her brief before this court, Huang has failed to raise any challenges to the denial of her request for protection under the Convention Against Torture. We therefore find that she has waived appellate review of this claim. See Ngarurih v. Ashcroft, 371 F.3d 182, 189 n.7 (4th Cir. 2004).