

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1135

LEONNEL CEDRICK YONTA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals

Submitted: September 11, 2008

Decided: October 1, 2008

Before MICHAEL, SHEDD, and DUNCAN, Circuit Judges.

Petition dismissed in part and denied in part by unpublished per curiam opinion.

Danielle L. C. Beach-Oswald, BEACH-OSWALD IMMIGRATION LAW ASSOC., PC, Washington, D.C., for Petitioner. Gregory G. Katsas, Acting Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Paul T. Cygnarowicz, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Leonnell Cedrick Yonta, a native and citizen of Cameroon, petitions for review of an order of the Board of Immigration Appeals dismissing his appeal from the Immigration Judge's denial of his applications for relief from removal. Yonta first challenges the finding that he failed to show changed or extraordinary circumstances justifying the untimely filing of his asylum application. We have reviewed Yonta's claims and conclude that we lack jurisdiction to review them. See 8 U.S.C. § 1158(a)(3) (2006); Niang v. Gonzales, 492 F.3d 505, 510 n.5 (4th Cir. 2007); Almuhtaseb v. Gonzales, 453 F.3d 743, 747-48 (6th Cir. 2006) (collecting cases).

Next, Yonta challenges the finding below that he failed to qualify for withholding of removal. "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)). Having conducted our review, we conclude that substantial evidence supports the finding that Yonta did not establish eligibility for withholding of removal. Finally, we uphold the finding below that Yonta failed to demonstrate that it is more likely than not that he would be tortured if removed to Cameroon. 8 C.F.R. § 1208.16(c)(2) (2008).

Accordingly, we dismiss in part and deny in part 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 DISMISSED IN PART
AND DENIED IN PART