

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1155

TEWODROS G. ABAYNEH,

Petitioner,

v.

MICHAEL B. MUKASEY,

Respondent.

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

Submitted: October 16, 2008

Decided: November 17, 2008

Before NIEMEYER, MICHAEL, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Solomon Bekele, LAW OFFICES OF SOLOMON & ASSOCIATES, Silver Spring, Maryland, for Petitioner. Gregory G. Katsas, Assistant Attorney General, Daniel E. Goldman, Senior Litigation Counsel, Paul T. Cygnarowicz, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tewodros G. Abayneh, a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals affirming the Immigration Judge's denial of his applications for relief from removal.

Abayneh first challenges the determination that he failed to establish eligibility for asylum. To obtain reversal of a determination denying eligibility for relief, an alien "must show that the evidence 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 Abayneh fails to show that the evidence compels a contrary result. Having failed to qualify for asylum, Abayneh cannot meet the more stringent standard for withholding of removal. Chen v. INS, 195 F.3d 198, 205 (4th Cir. 1999); INS v. Cardoza-Fonseca, 480 U.S. 421, 430 (1987). Finally, we uphold the finding below that Abayneh failed to demonstrate that it is more likely than not that he would be tortured if removed to Ethiopia. 8 C.F.R. § 1208.16(c)(2) (2008).

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