

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2082

FEI FENG YANG,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: February 27, 2009

Decided: March 31, 2009

Before MOTZ, SHEDD, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Fei Feng Yang, Petitioner Pro Se. Brianne Whelan Cohen, 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Unpublished opinions are not binding precedent in this circuit.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:

Fei Feng Yang, a native and citizen of China, petitions for review of an order of the Board of Immigration Appeals affirming the Immigration Judge's denial of her applications for relief from removal.

Yang first challenges the determination that she 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 Yang fails to show that the evidence compels a contrary result.

Having failed to qualify for asylum, Yang 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). We further uphold the finding below that Yang failed to demonstrate that it is more likely than not that she would be tortured if removed to China. 8 C.F.R. § 1208.16(c)(2) (2008). Finally, we have reviewed the record in light of Yang's claim that her right to due process was violated by difficulties with translation during the proceedings, and we

find that claim to be without merit. Rusu v. INS, 296 F.3d 316, 324 (4th Cir. 2002).

We therefore 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