

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1112

FEI LIN,

Petitioner,

v.

ERIC H. HOLDER, JR.,

Respondent.

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

Submitted: July 28, 2009

Decided: August 13, 2009

Before WILKINSON, MICHAEL, and MOTZ, Circuit Judges.

Petition denied in part, and dismissed in part by unpublished per curiam opinion.

Fei Lin, Petitioner Pro Se. Daniel Eric Goldman, Senior Litigation Counsel, Jem Colleen Sponzo, Tyrone Sojourner, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Fei Lin, a native and citizen of China, petitions for review of an order of the Board of Immigration Appeals (Board) affirming the Immigration Judge's denial of his applications for relief from removal.

Lin 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 Lin fails to show that the evidence compels a contrary result.

Having failed to qualify for asylum, Lin 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, Lin challenges the denial of relief on his claim under the Convention Against Torture (CAT). Because Lin did not raise this claim in his appeal to the Board, we find that it has not been properly exhausted. See 8 U.S.C. 1252(d)(1) (2006). We thus lack jurisdiction to review Lin's claim for CAT protection.

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