**UNPUBLISHED**

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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**No. 09-1577**

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THOMAS DESTA,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

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Submitted: April 20, 2010 Decided: June 21, 2010

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Before WILKINSON, KING, and DAVIS, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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David Allen Garfield, LAW OFFICES OF DAVID GARFIELD, Washington, D.C., for Petitioner. Tony West, Assistant Attorney General, Susan K. Houser, Senior Litigation Counsel, Linda Y. Cheng, UNITED STATES DEPARTMENT OF JUSTICE, Office of Immigration Litigation, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Thomas Desta, 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.

Desta 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 Desta fails to show that the evidence compels a contrary result. Having failed to qualify for asylum, he cannot meet the more stringent standard for withholding of removal. Chen v. INS, 195 F.3d 198, 205 (4th Cir. 1999) (citing INS v. Cardoza-Fonseca, 480 U.S. 421, 430-32 (1987)). Finally, we uphold the finding below that Desta 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) (2009).

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