

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1892

XIAN FANG OU,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: March 29, 2012

Decided: April 24, 2012

Before NIEMEYER, MOTZ, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Robert J. Adinolfi, New York, New York, for Petitioner. Tony West, Assistant Attorney General, Terri J. Scadron, Assistant Director, Greg D. Mack, Senior Litigation Counsel, Washington, DC, for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Xian Fang Ou, a native and citizen of the People's Republic of China, petitions for review from an order of the Board of Immigration Appeals ("Board") dismissing his appeal from the immigration judge's order denying his applications for asylum, withholding from removal and withholding under the Convention Against Torture. Ou contends that he established that he suffered past persecution in China because of his religious practices. We deny the petition for review.

This court will uphold the Board's determination unless it is "manifestly contrary to the law and an abuse of discretion." Djadjou v. Holder, 662 F.3d 265, 273 (4th Cir. 2011) (internal quotation marks omitted). Our review of the agency's findings is narrow and deferential. Factual findings are affirmed if supported by substantial evidence. Substantial evidence exists to support a finding unless the evidence was such that any reasonable adjudicator would have been compelled to conclude to the contrary. Id.

Persecution is an extreme concept and may include actions less severe than threats to life or freedom but must rise above mere harassment. Qiao Hua Li v. Gonzales, 405 F.3d 171, 177 (4th Cir. 2005). In some instances, brief detentions accompanied by interrogations and minor beatings will fall short

of establishing past persecution. See Dandan v. Ashcroft, 339 F.3d 567, 573 (7th Cir. 2003).

We have reviewed the record and conclude that substantial evidence supports the finding that Ou did not establish past persecution. We note that the immigration judge considered all the evidence that was in Ou's favor. However, we conclude that the evidence does not compel a different result. We note Ou makes a brief challenge to the finding that he did not establish a well-founded fear of persecution. We conclude that substantial evidence supports the immigration judge's finding in this regard.

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