

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 05-1721

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Toledo Domingo-Felipe,	*
	*
Petitioner,	*
	*
v.	* Petition for Review of
	* an Order of the
	* Board of Immigration Appeals.
Alberto Gonzales, Attorney General of	*
the United States; Department of	* [UNPUBLISHED]
Homeland Security,	*
	*
Respondents.	*

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Submitted: June 14, 2006  
Filed: June 19, 2006

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Before ARNOLD, BYE, and SMITH, Circuit Judges.

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PER CURIAM.

Guatemalan citizen Toledo Domingo-Felipe petitions for review of an order of the Board of Immigration Appeals (BIA), which summarily affirmed an Immigration Judge's (IJ's) denial of asylum and withholding of removal.<sup>1</sup>

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<sup>1</sup>The IJ's decision, therefore, constitutes the final agency determination for purposes of judicial review. See Kimumwe v. Gonzales, 431 F.3d 319, 322 (8th Cir. 2005).

After careful review of the record, we conclude the IJ's decision, that Domingo-Felipe failed to establish either past persecution or a well-founded fear of persecution on account of a protected ground, is supported by substantial evidence in the record as a whole. See Eta-Ndu v. Gonzales, 411 F.3d 977, 982-83 (8th Cir. 2005) (standard of review). Because Domingo-Felipe failed to meet the burden of proof on his asylum claim, his application for withholding of removal necessarily fails as well. See Turay v. Ashcroft, 405 F.3d 663, 667 (8th Cir. 2005) (withholding-of-removal standard is more rigorous than asylum standard).

Accordingly, we deny the petition.

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