

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-2124

ABDUALI NIZAMETDINOV,

Petitioner,

versus

JOHN ASHCROFT,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A78-603-350)

Submitted: April 7, 2004

Decided: April 16, 2004

Before MICHAEL, MOTZ, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Brian E. Mezger, LAW OFFICE OF BRIAN E. MEZGER, ESQUIRE, Bethesda, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, Norah Ascoli Schwarz, Senior Litigation Counsel, Michelle R. Thresher, Office of Immigration Litigation, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Abduali Nizametdinov, a native of China and citizen of Uzbekistan, petitions for review of an order of the Board of Immigration Appeals affirming without opinion the immigration judge's denial of his applications for asylum, withholding of removal, and relief under the Convention Against Torture.

Nizametdinov challenges the immigration judge's negative credibility finding. We have thoroughly reviewed the record in light of the immigration judge's findings and conclude that Nizametdinov's assertions are without merit. The immigration judge cited specific, cogent reasons for concluding that Nizametdinov's testimony was not credible. Figeroa v. INS, 886 F.2d 76, 78 (4th Cir. 1989). As the negative credibility determination is supported by the record and is entitled to deference, Nizametdinov does not qualify for the relief sought. 8 U.S.C. § 1252(b)(4) (2000); see Rusu v. INS, 296 F.3d 316, 323 (4th Cir. 2002).

The standard for eligibility for withholding of removal is "more stringent than that for asylum eligibility." Chen v. INS, 195 F.3d 198, 205 (4th Cir. 1999). An applicant for withholding must demonstrate a clear probability of persecution. INS v. Cardoza-Fonseca, 480 U.S. 421, 430 (1987). As Nizametdinov failed to establish entitlement to asylum, he cannot satisfy the higher standard for withholding of removal.

To obtain relief under the Convention Against Torture, an applicant must establish that "it is more likely than not that he or she would be tortured if removed to the proposed country of removal." 8 C.F.R. § 1208.16(c)(2) (2003). Nizametdinov's evidence does not support such a conclusion.

We accordingly 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