

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-2508**

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TIGIST DAMTE,

Petitioner,

versus

JOHN ASHCROFT, U.S. Attorney General,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A79-466-434 )

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Submitted: March 31, 2004

Decided: April 16, 2004

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Before NIEMEYER, MOTZ, and GREGORY, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Tigist Dante, Petitioner Pro Se. Raymond Smith, IMMIGRATION & NATURALIZATION SERVICE, Arlington, Virginia; Gloria Minor, Daniel Eric Goldman, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Tigist Damte, a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals ("Board") affirming and adopting the immigration judge's order denying Damte's request for asylum, withholding from removal and withholding under the Convention Against Torture. We have reviewed the administrative record and the immigration judge's decision and find that substantial evidence supports the immigration judge's conclusion that Damte failed to establish the past persecution or well-founded fear of future persecution necessary to establish eligibility for asylum. See 8 C.F.R. § 1208.13(a) (2003) (stating that the burden of proof is on the alien to establish eligibility for asylum); INS v. Elias-Zacarias, 502 U.S. 478, 483 (1992) (same). We will reverse the Board only if the evidence "'was so compelling that no reasonable fact finder could fail to find the requisite fear of persecution.'" Rusu v. INS, 296 F.3d 316, 325 n.14 (4th Cir. 2002) (quoting Elias-Zacarias, 502 U.S. at 483-84). We find Damte failed to make a compelling case for asylum.

In addition, we find Damte failed to meet the higher standards necessary to be granted either withholding from removal or withholding under the Convention Against Torture. See 8 C.F.R. § 1208.16(c)(2) (2003); Chen v. INS, 195 F.3d 198, 205 (4th Cir. 1999); INS v. Cardoza-Fonseca, 480 U.S. 421, 430 (1987).

We deny Dante's 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