

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-1546**

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ABDYKAR TOKTOBEKOVICH SYDYKOV,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

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On Petition for Review of Orders of the Board of Immigration Appeals. (A79-498-493)

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Submitted: February 25, 2005

Decided: April 8, 2005

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Before WILKINSON and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Brian E. Mezger, LAW OFFICE OF BRIAN E. MEZGER, ESQUIRE, Bethesda, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Carol Federighi, Office of Immigration Litigation, 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Unpublished opinions are not binding precedent in this circuit.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:

Abdykar Toktobekovich Sydykov, a native and citizen of Kyrgyzstan, petitions for review of the Board of Immigration Appeals' orders affirming without opinion the immigration judge's decision denying asylum, withholding of removal, and relief under the Convention Against Torture to Sydykov, his wife Nurjamal Smanalyevna Sydykova, and sons Altynbek Abdykarovich Sydykov and Aibek Abdykar Uulu, as riders on Sydykov's applications.

Sydykov challenges the immigration judge's rulings that he failed to establish persecution on account of a protected ground by an organization that the government is unable or unwilling to control, and he therefore failed to sustain his burden of proving 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 Sydykov fails to show the evidence compels a contrary result.

We find we lack jurisdiction over Sydykov's challenges to the immigration judge's denial of withholding of removal and relief under the Convention Against Torture because he failed to properly exhaust these claims in his appeal to the Board. See 8 U.S.C.

§ 1252(d) (2000); Asika v. Ashcroft, 362 F.3d 264, 267 n.3 (4th Cir. 2004), cert. denied, 125 S. Ct. 861 (2005).

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