

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-1547**

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YUKSEL SOYDAN,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A79-141-732)

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Submitted: September 29, 2004

Decided: October 12, 2004

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Before WILLIAMS, TRAXLER, and KING, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Michael M. Hadeed, Jr., BECKER, HADEED, KELLOGG & BERRY, P.C., Springfield, Virginia, for Petitioner. Peter D. Keisler, Assistant Attorney General, Mary Jane Candaux, Senior Litigation Counsel, James E. Grimes, 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Unpublished opinions are not binding precedent in this circuit.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:

Yuksel Soydan, a native and citizen of Turkey, petitions for review of the Board of Immigration Appeals' ("Board") order affirming the immigration judge's decision denying asylum, withholding of removal and withholding under the Convention Against Torture. For the reasons discussed below, we deny the petition for review.

The decision to grant or deny asylum relief is conclusive "unless manifestly contrary to the law and an abuse of discretion." 8 U.S.C. § 1252(b)(4)(D) (2000). We have reviewed the Board's decision and the immigration judge's decision and the administrative record and find the record supports the conclusion that Soydan failed to establish eligibility for asylum on a protected ground. See 8 C.F.R. § 1208.13(a) (2004) (stating that the burden of proof is on the alien to establish his eligibility for asylum); INS v. Elias-Zacarias, 502 U.S. 478, 483 (1992). Because the decision in this case is not manifestly contrary to law, we cannot grant the relief Soydan seeks.

Soydan challenges the Board's finding that he did not present credible evidence with respect to the alleged 1991 arrest and torture. We find the Board and the immigration judge provided specific and cogent reasons for finding the account lacked credibility. See Figeroa v. INS, 886 F.2d 76, 78 (4th Cir. 1989).

We further find the Board's decision is supported by substantial evidence.\*

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

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\*Because he does not raise these issues in his brief, Soydan has waived challenges to the denial of withholding from removal and withholding under the Convention against Torture.