

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-1668**

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DONALD ERASMUS THEO-HARDING,

Petitioner,

versus

JOHN ASHCROFT,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A95-240-651)

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Submitted: November 15, 2004

Decided: December 29, 2004

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Before LUTTIG, KING, and SHEDD, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Randall L. Johnson, JOHNSON & ASSOCIATES, P.C., Arlington, Virginia, for Petitioner. Peter D. Keisler, Assistant Attorney General, Donald E. Keener, Deputy Director, Alison Marie Igoe, 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Unpublished opinions are not binding precedent in this circuit.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:

Donald Erasmus Theo-Harding, a native and citizen of Sierra Leone, petitions for review of an order of the Board of Immigration Appeals (Board) affirming, without opinion, the Immigration Judge's (IJ) denial of his application for asylum, withholding of removal, and protection under the Convention Against Torture.

Theo-Harding challenges the IJ's determination that he failed to establish his 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 Theo-Harding fails to show the evidence compels a contrary result. Accordingly, we cannot grant the relief Theo-Harding seeks.

In addition, we conclude Theo-Harding's claim that the Board's use of the summary affirmance procedure under 8 C.F.R. § 1003.1(e)(4) (2004) violated his rights under the Due Process Clause is foreclosed by our decision in Blanco de Belbruno v. Ashcroft, 362 F.3d 272 (4th Cir. 2004). In Blanco de Belbruno, we held that "the BIA's streamlining regulations do not violate an alien's rights to due process of law under the Fifth Amendment." Id. at 283.

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