

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-2304

HAILU HABTE BAKO,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A95-219-095)

Submitted: May 25, 2005

Decided: June 7, 2005

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

Petition denied by unpublished per curiam opinion.

William Payne, BLAIR & LEE, P.C., College Park, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, James A. Hunolt, Senior Litigation Counsel, Alfred S. Irving, Jr., 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Unpublished opinions are not binding precedent in this circuit.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:

Hailu Habte Bako, a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals (Board) affirming the immigration judge's denial of his application for asylum, withholding of removal, and protection under the Convention Against Torture.* Bako challenges the Board's ruling that he did not establish his eligibility for asylum. We will reverse the Board's asylum ruling "only if 'the evidence presented was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution.'" Rusu v. INS, 296 F.3d 316, 325 n.14 (4th Cir. 2002) (quoting Huaman-Cornelio v. Bd. of Immigration Appeals, 979 F.2d 995, 999 (4th Cir. 1992) (internal quotation marks omitted)). We have reviewed the record and the Board's decision, and conclude that Bako fails to demonstrate that the evidence compels a different result.

Bako also complains that the immigration judge denied his due process rights by refusing to allow him to present evidence that might entitle him to asylum based solely on the severity of past persecution, under 8 C.F.R. § 1208.13(b)(1)(A) (2005). We conclude that this claim entitles Bako to no relief because he has failed to demonstrate any prejudice. Rusu, 296 F.3d at 320.

*As Bako does not challenge the denial of withholding of removal or relief under the Convention Against Torture on appeal, those issues are not before us.

Accordingly, we deny Bako'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