

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1048

JIAN GUANG TENG,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A95-855-382)

Submitted: July 27, 2005

Decided: November 29, 2005

Before LUTTIG, MOTZ, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Gary J. Yerman, New York, New York, for Petitioner. Peter D. Keisler, Assistant Attorney General, Michelle E. Gorden, Senior Litigation Counsel, Daniel E. Goldman, Office of Immigration Litigation, Civil Division, 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Unpublished opinions are not binding precedent in this circuit.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:

Jian Guang Teng, a native and citizen of the People's Republic of China, petitions for review of an order of the Board of Immigration Appeals (Board) affirming the immigration judge's order denying his requests for asylum,* withholding of removal, and protection under the Convention Against Torture (CAT). In his petition for review, Teng contends that the Board and the immigration judge erred in denying his applications for withholding of removal and protection under the CAT.

"To qualify for withholding of removal, a petitioner must show that he faces a clear probability of persecution because of his race, religion, nationality, membership in a particular social group, or political opinion." Rusu v. INS, 296 F.3d 316, 324 n.13 (4th Cir. 2002) (citing INS v. Stevic, 467 U.S. 407, 430 (1984)). To qualify for protection under the CAT, a petitioner bears the burden of demonstrating that "it is more likely than not that he or she would be tortured if removed to the proposed country of removal." 8 C.F.R. § 1208.16(c)(2) (2005).

Based on our review of the record, we find that substantial evidence supports the Board's decision that Teng has failed to meet these standards. Accordingly, we deny the petition for review. We dispense with oral argument because the facts and

*Teng does not challenge the Board's denial of his asylum claim as untimely.

legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED