

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-1302**

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DRITA MEMA,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A78-635-727)

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Submitted: August 24, 2005

Decided: September 15, 2005

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Before WILKINSON, KING, and DUNCAN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Drita Mema, Petitioner Pro Se. James Arthur Hunolt, Bryan Stuart Beier, 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Unpublished opinions are not binding precedent in this circuit.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:

Drita Mema, a native and citizen of Albania, petitions for review of an order of the Board of Immigration Appeals (Board) affirming without opinion the immigration judge's order denying her applications for asylum, withholding of removal, and protection under the Convention Against Torture. In her petition for review, Mema challenges the immigration judge's determination that she failed to establish her eligibility for asylum. To obtain reversal of a determination denying eligibility for asylum, 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 that Mema fails to show that the evidence compels a contrary result. Accordingly, we cannot grant the relief she seeks.

Nor can Mema show that she is entitled to withholding of removal under 8 U.S.C. § 1231(b)(3) (2000). "Because the burden of proof for withholding of removal is higher than for asylum--even though the facts that must be proved are the same--an applicant who is ineligible for asylum is necessarily ineligible for withholding of removal under [8 U.S.C.] § 1231(b)(3)." Camara v. Ashcroft, 378 F.3d 361, 367 (4th Cir. 2004).

Furthermore, we conclude that substantial evidence supports the immigration judge's determination that Mema did not

establish it was more likely than not that she would be tortured "by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." 8 C.F.R. § 1208.18(a)(1) (2004). Therefore, she has not established her entitlement to relief under the CAT.

Finally, we find no error in the Board's decision to affirm without opinion the immigration judge's oral decision. See Blanco de Belbruno v. Ashcroft, 362 F.3d 272 (4th Cir. 2004). Accordingly, we deny Mema'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