

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 05-1835

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HERVE FONKOU TAKOULO,

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. (A96-275-083)

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Submitted: January 31, 2006

Decided: March 1, 2006

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Before MICHAEL, MOTZ, and KING, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Edwin K. Fogam, Silver Spring, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, James A. Hunolt, OFFICE OF IMMIGRATION LITIGATION, Meredith L. Burrell, 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Unpublished opinions are not binding precedent in this circuit.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:

Herve Fonkou Takoulo, a native and citizen of Cameroon, petitions for review of an order of the Board of Immigration Appeals ("Board") adopting and affirming the immigration judge's denial of his requests for asylum, withholding of removal, and protection under the Convention Against Torture.

In his petition for review, Takoulo challenges the 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 that Takoulo fails to show that the evidence compels a contrary result. Accordingly, we cannot grant the relief that he seeks.

Additionally, we uphold the denial of Takoulo's request for withholding of removal. "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). Because Takoulo fails to show that

he is eligible for asylum, he cannot meet the higher standard for withholding of removal.<sup>1</sup>

Accordingly, although we grant the pending motion to file a supplemental appendix, we deny the petition for review.<sup>2</sup> 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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<sup>1</sup>Takoulo does not challenge the immigration judge's denial of his request for protection under the Convention Against Torture in his petition for review.

<sup>2</sup>To the extent that Takoulo challenges the immigration judge's refusal to allow his witness to testify, we find that he has waived this claim by failing to raise it before the Board. See Asika v. Ashcroft, 362 F.3d 264, 267 n.3 (4th Cir. 2004); Farrokhi v. INS, 900 F.2d 697, 700 (4th Cir. 1990).