

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 05-1899

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GAZENA ERCHAFO ERDILO,

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. (A95-906-357)

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Submitted: April 19, 2006

Decided: May 11, 2006

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Before WILLIAMS, MICHAEL, and KING, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Thomas Hailu, LAW OFFICES OF THOMAS HAILU, Arlington, Virginia, for Petitioner. Rod J. Rosenstein, United States Attorney, Larry D. Adams, UNITED STATES ATTORNEY'S OFFICE, Baltimore, Maryland, for Respondent.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Gazena Erchafo Erdilo, a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals ("Board") dismissing his appeal from 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, Erdilo 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 Erdilo 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 Erdilo'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 Erdilo fails to show that

he is eligible for asylum, he cannot meet the higher standard for withholding of removal.\*

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

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\*Erdilo's brief merely asserts, without supporting argument, that he seeks review of the immigration judge's denial of his request for protection under the Convention Against Torture. We therefore find that he has waived appellate review of this claim. See Edwards v. City of Goldsboro, 178 F.3d 231, 241 n.6 (4th Cir. 1999).