

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-2067

XIU QIN SU,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A95-117-039)

Submitted: March 13, 2006

Decided: April 19, 2006

Before LUTTIG, MICHAEL, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Stuart Altman, LAW OFFICE OF STUART ALTMAN, New York, New York, for Petitioner. Peter D. Keisler, Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Daniel E. Goldman, Office of Immigration Litigation, 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Unpublished opinions are not binding precedent in this circuit.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:

Xiu Qin Su, a native and citizen of the People's Republic of China, petitions for review of the Board of Immigration Appeals' order affirming without opinion the immigration judge's decision denying asylum.* We deny the petition for review.

The decision to grant or deny asylum relief is conclusive "unless manifestly contrary to the law and an abuse of discretion." 8 U.S.C. § 1252(b)(4)(D) (2000). We have reviewed the immigration judge's decision and the administrative record and find the record supports the conclusion that Su failed to establish past persecution or a well founded fear of persecution. See 8 C.F.R. § 1208.13(a) (2004) (stating that the burden of proof is on the alien to establish his eligibility for asylum); INS v. Elias-Zacarias, 502 U.S. 478, 483 (1992). The record does not compel a different result.

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

*Su has waived any challenge to the denial of withholding from removal and withholding under the Convention Against Torture by not arguing against the denials in her brief. See Yousefi v. INS, 260 F.3d 318, 326 (4th Cir. 2001).