

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-2116**

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EVGENY AKSENOV,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General of the  
United States,

Respondent.

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On Petition for Review of an Order of the Board of Immigration  
Appeals. (A79-142-242)

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Submitted: March 31, 2006

Decided: April 20, 2006

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Before NIEMEYER, TRAXLER, and GREGORY, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Evgeny Aksenov, Petitioner Pro Se. James Arthur Hunolt, Eric  
Warren Marsteller, 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Unpublished opinions are not binding precedent in this circuit.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:

Evgeny Aksenov, a native and citizen of Russia, petitions for review of a Board of Immigration Appeals' ("Board") order dismissing his appeal from the immigration judge's oral decision denying his applications for asylum, withholding of removal and withholding under the Convention Against Torture. We deny the petition for review.

The INA authorizes the Attorney General to confer asylum on any refugee. 8 U.S.C. § 1158(a) (2000). It defines a refugee as a person unwilling or unable to return to his native country "because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." 8 U.S.C. § 1101(a)(42)(A) (2000). We agree with the Board that Aksenov failed to show entitlement to asylum or withholding from removal. He failed to show the past events were as a result of his membership in a particular social group. We also agree with the Board that Aksenov failed to show that more likely than not he will face torture if he returns to Russia, as it is defined by the regulation. See 8 C.F.R. 1208.18(a)(1) (2005).

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