

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1133

NOE ALO FERNANDES,

Petitioner,

versus

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

Respondent.

On Petition for Review of an Order of the Board of Immigration
Appeals. (A97-624-475)

Submitted: August 18, 2006

Decided: September 6, 2006

Before NIEMEYER, WILLIAMS, and MOTZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Sopo Ngwa, Silver Spring, Maryland, for Petitioner. Peter D.
Keisler, Assistant Attorney General, Carol Federighi, Senior
Litigation Counsel, Elizabeth Yu, 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Unpublished opinions are not binding precedent in this circuit.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:

Noe Alo Fernandes, a native and citizen of Guinea-Bissau, petitions for review of an order of the Board of Immigration Appeals (Board) adopting and affirming the immigration judge's denial of his request for asylum, withholding of removal, and protection under the Convention Against Torture.

In his petition for review, Fernandes challenges the immigration judge's determination that he failed to establish his eligibility for asylum. This court will reverse the Board "only if the evidence presented was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution." Rusu v. INS, 296 F.3d 316, 325 n.14 (4th Cir. 2002) (internal quotation and citation omitted). We have reviewed the evidence of record and conclude that Fernandes fails to show that the evidence compels a contrary result. Accordingly, we cannot grant the relief that he seeks.

Similarly, because Fernandes does not qualify for asylum, he is also ineligible for withholding of removal. See Camara v. Ashcroft, 379 F.3d 361, 367 (4th Cir. 2004).

Finally, substantial evidence supports the finding that Fernandes fails to meet the standard for relief under the Convention Against Torture. To obtain such relief, an applicant must establish that "it is more likely than not that he or she would be tortured if removed to the proposed country of removal."

8 C.F.R. § 1208.16(c)(2) (2005). Fernandes failed to make the requisite showing.

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