

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 06-1457

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GABRIEL AKAMIN NKEMASONG,

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. (A96-105-001)

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Submitted: December 20, 2006

Decided: February 21, 2007

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Before WILKINSON, TRAXLER, and KING, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Robert Leon Oswald, NOTO & OSWALD, Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, Carol Federighi, Senior Litigation Counsel, Office of Immigration Litigation, Mary R. Pelletier, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gabriel Akamin Nkemasong, a native and citizen of Cameroon, petitions for review of an order of the Board of Immigration Appeals (Board) affirming the immigration judge's denial of his requests for asylum, withholding of removal, and protection under the Convention Against Torture.\*

Nkemasong challenges the immigration judge's determination that he failed to establish eligibility for asylum. To obtain reversal of an adverse eligibility determination, 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 it does not compel a contrary result. Accordingly, we cannot grant Nkemasong the relief he seeks.

Similarly, as Nkemasong does not qualify for asylum, he is ineligible for withholding of removal. See Camara v. Ashcroft, 378 F.3d 361, 367 (4th Cir. 2004). "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

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\*Nkemasong did not challenge the denial of his application for protection under the Convention Against Torture to the Board. Therefore, he has failed to exhaust his administrative remedies. 8 U.S.C. § 1252(d)(1) (2000).

ineligible for asylum is necessarily ineligible for withholding of removal under [8 U.S.C.] § 1231(b)(3)." Id.

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