

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 06-1666

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ANDI PALGUNADI,

Petitioner,

versus

ALBERTO R. GONZALES,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A72-167-696)

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Submitted: January 31, 2007

Decided: February 12, 2007

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Before MICHAEL, GREGORY, and DUNCAN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Arnedo S. Valera, LAW OFFICES OF VALERA & ASSOCIATES, Fairfax, Virginia, for Petitioner. Rod J. Rosenstein, Allen F. Loucks, Assistant United States Attorney, Baltimore, Maryland, for Respondent.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Andi Palgunadi, a native and citizen of Indonesia, petitions for review of an order of the Board of Immigration Appeals adopting and affirming the Immigration Judge's (IJ) order denying his applications for asylum, withholding of removal, and protection under the Convention Against Torture. Palgunadi contends that he established eligibility for asylum. As the IJ concluded that the asylum application was untimely and no exceptions applied, we find that consideration of his asylum claim is barred. See 8 U.S.C. § 1158(a)(3) (2000).

Palgunadi also challenges the finding that he failed to qualify for withholding of removal. "To qualify for withholding of removal, a petitioner must show that he faces a clear probability of persecution because of his race, religion, nationality, membership in a particular social group, or political opinion." Rusu v. INS, 296 F.3d 316, 324 n.13 (4th Cir. 2002) (citing INS v. Stevic, 467 U.S. 407, 430 (1984)). Having conducted our review, we conclude that substantial evidence supports the finding that Palgunadi did not establish eligibility for withholding of removal.

We accordingly deny the petition for review. We deny Palgunadi's motion to remand and 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