

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2269

YOU RUI LU,

Petitioner,

v.

ERIC H. HOLDER, JR.,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals.

Submitted: June 3, 2009

Decided: August 25, 2009

Before WILKINSON, MICHAEL, and MOTZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Michael Brown, New York, New York, for Petitioner. Michael F. Hertz, Acting Assistant Attorney General, Carl H. McIntyre, Jr., Assistant Director, Francis W. Fraser, Senior Litigation Counsel, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

You Rui Lu, a native and citizen of China, petitions for review of an order of the Board of Immigration Appeals adopting and affirming the Immigration Judge's denial of his applications for relief from removal.

Lu challenges the determination that he failed to establish eligibility for asylum. To obtain reversal of a determination denying eligibility for relief, 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 Lu fails to show that the evidence compels a contrary result. Having failed to qualify for asylum, Lu cannot meet the more stringent standard for withholding of removal. Chen v. INS, 195 F.3d 198, 205 (4th Cir. 1999); INS v. Cardoza-Fonseca, 480 U.S. 421, 430 (1987). Finally, we uphold the finding below that Lu did not demonstrate eligibility for protection under the Convention Against Torture. See 8 C.F.R. § 1208.16(c)(2), (3) (2009).

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