

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1426

MOHAMED FARSAN PAKEER MOHAMED,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: January 27, 2010

Decided: February 16, 2010

Before GREGORY, SHEDD, and AGEE, Circuit Judges.

Petition dismissed in part and denied in part by unpublished per curiam opinion.

Elizaveta Krukova, Falls Church, Virginia, for Petitioner. Tony West, Assistant Attorney General, Lyle D. Jentzer, Senior Litigation Counsel, Zoe J. Heller, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mohamed Farsan Pakeer Mohamed, a native and citizen of Sri Lanka, petitions for review of an order of the Board of Immigration Appeals dismissing his appeal from the Immigration Judge's denial of his applications for relief from removal.

Mohamed first asserts that he qualified for asylum. The Board found the asylum application to be untimely, and we do not have jurisdiction to review this determination. See 8 U.S.C. § 1158(a)(3) (2006); Gomis v. Holder, 571 F.3d 353, 358-59 (4th Cir. 2009). Because the Board's finding of untimeliness is dispositive of Mohamed's asylum claim, we may not review Mohamed's contention that he established eligibility for relief.

Next, Mohamed challenges the Board's 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)). We have reviewed the record and Mohamed's contentions and conclude that substantial evidence supports the finding below that Mohamed did not meet his burden to qualify for this relief.

Accordingly, we dismiss in part and deny in part 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 DISMISSED IN PART
AND DENIED IN PART