

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-2105

LUDDY ANGIRA; KEENS OMONDI OYUGI,

Petitioners,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: December 30, 2010

Decided: January 28, 2011

Before NIEMEYER and WYNN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Kell Enow, ENOW & ASSOCIATES, Marietta, Georgia, for Petitioners. Tony West, Assistant Attorney General, William C. Peachey, Assistant Director, Daniel E. Goldman, Senior Litigation Counsel, 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Unpublished opinions are not binding precedent in this circuit.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:

Luddy Angira and her husband, derivative applicant Keens Oyugi, both natives and citizens of Kenya, petition for review of an order of the Board of Immigration Appeals dismissing their appeal from the Immigration Judge's denial of Angira's applications for relief from removal.

Petitioners first challenge the determination that Angira 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 Petitioners fail to show that the evidence compels a contrary result.

Having failed to qualify for asylum, Angira 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 Angira failed to demonstrate that it is more likely than not that she would be tortured if removed to Kenya. 8 C.F.R. § 1208.16(c)(2) (2010).

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