UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-2293

QIN LIN,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: June 19, 2012 Decided: July 12, 2012

Before MOTZ, DAVIS, and DIAZ, Circuit Judges.

Petition dismissed in part and denied in part by unpublished per curiam opinion.

Zhiyuan Qian, LAW OFFICES OF GERALD KARIKARI, P.C., New York, New York, for Petitioner. Stuart F. Delery, Assistant Attorney General, Shelley R. Goad, Assistant Director, Carmel A. Morgan, 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Unpublished opinions are not binding precedent in this circuit.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:

Qin Lin, a native and citizen of China, petitions for review of an order of the Board of Immigration Appeals (Board) dismissing his appeal from the Immigration Judge's denial of his applications for relief from removal.

Lin first disputes the agency's finding that his asylum application was not timely filed. We have reviewed Lin's claims in this regard and conclude that we do not have jurisdiction to review this determination. See 8 U.S.C. § 1158(a)(3) (2006); Lizama v. Holder, 629 F.3d 440, 445-46 (4th Cir. 2011); Gomis v. Holder, 571 F.3d 353, 358-59 (4th Cir. 2009). Because the Board's finding of untimeliness is dispositive of Lin's asylum claim, we do not address his contention that he established eligibility for asylum. Accordingly, we dismiss the petition for review in part with respect to this claim.

Next, Lin 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 administrative record and find that

substantial evidence supports the finding below that Lin did not meet his burden to qualify for this relief. Finally, we uphold the agency finding that Lin failed to qualify for protection under the Convention Against Torture. See 8 C.F.R. § 1208.16(c)(2) (2012).

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