

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1180

JAIRO ENRIQUE RIVERA,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: August 29, 2012

Decided: October 17, 2012

Before KING and DAVIS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition dismissed in part and denied in part by unpublished per curiam opinion.

Janeen Jihan Hicks Pierre, RAWLS, SCHEER, FOSTER and MINGO, PLLC, Charlotte, North Carolina, for Petitioner. Stuart F. Delery, Acting Assistant Attorney General, Richard M. Evans, Assistant Director, Jeffrey J. Bernstein, 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Unpublished opinions are not binding precedent in this circuit.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:

Jairo Enrique Rivera, a native and citizen of Colombia, petitions for review of an order of the Board of Immigration Appeals (Board) dismissing his appeal from the Immigration Judge's (IJ) denial of his applications for relief from removal.

Rivera first disputes the agency's denial of his asylum application. The IJ found the asylum application to be untimely, and the Board expressly found that Rivera waived review of his asylum claim on appeal. See 8 U.S.C. § 1252(d)(1) (2006). Accordingly, we dismiss the petition for review in part with respect to this claim.

Next, Rivera 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 Rivera 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