

UNPUBLISHED

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

SOFIA YIMAM MAKONNEN,  
*Petitioner,*

v.

JOHN D. ASHCROFT, Attorney  
General of the United States,  
*Respondent.*

No. 03-1361

On Petition for Review of an Order  
of the Board of Immigration Appeals.  
(A29-009-704)

Submitted: November 5, 2003

Decided: November 21, 2003

Before WILLIAMS, GREGORY, and DUNCAN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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**COUNSEL**

Walter L. Blair, BLAIR & LEE, P.C., College Park, Maryland, for  
Petitioner. Peter D. Keisler, Assistant Attorney General, Mary Jane  
Candaux, Senior Litigation Counsel, Margaret Perry, Senior Litiga-  
tion Counsel, Office of Immigration Litigation, UNITED STATES  
DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

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### OPINION

PER CURIAM:

Sofia Yimam Makonnen, a native and citizen of Ethiopia, petitions for review from the Board of Immigration Appeals' ("Board") order dismissing her appeal from the immigration judge's order denying her application for asylum, withholding of removal and withholding of removal under the Convention Against Torture. We deny the petition for review.

A determination that an alien is not eligible for asylum must be upheld unless that determination is "manifestly contrary to law and an abuse of discretion." 8 U.S.C. § 1252(b)(4)(D) (2000). This Court will reverse the Board "only if 'the evidence presented was so compelling that no reasonable fact finder could fail to find the requisite fear of persecution.'" *Rusu v. INS*, 296 F.3d 316, 325 n.14 (4th Cir. 2002) (quoting *Huaman-Cornelio*, 979 F.2d at 999 (internal quotation marks omitted)).

We find the evidence does not compel a finding that Makonnen established either past persecution or a well-founded fear of persecution.

The standard for receiving withholding of removal is "more stringent than that for asylum eligibility." *Chen v. INS*, 195 F.3d 198, 205 (4th Cir. 1999). An applicant for withholding must demonstrate a clear probability of persecution. *INS v. Cardoza-Fonseca*, 480 U.S. 421, 430 (1987). As Makonnen failed to establish entitlement to asylum, she cannot satisfy the higher standard for withholding of removal.

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately

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presented in the materials before the court and argument would not aid the decisional process.

*PETITION DENIED*