

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1144

ETSUB SHIFERAW TAYE,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A95-223-009)

Submitted: August 18, 2004

Decided: September 13, 2004

Before KING, GREGORY, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Aragaw Mehari, Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, Emily Anne Radford, Assistant Director, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Etsub Shiferaw Taye, a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals affirming the immigration judge's denial of asylum. For the reasons discussed below, we deny the petition for review.

Taye asserts that his evidence established past persecution, and that the resulting presumption of a well-founded fear of future persecution was sufficient to establish his eligibility for asylum. According to his testimony before the immigration judge, however, Taye did not establish both past persecution on a protected ground and that he was unable or unwilling to return to that country owing to that persecution, as required in 8 C.F.R. § 1208.13(b)(1) (2004). Taye testified that he came to this country for medical treatment and fully intended to return to Ethiopia. Therefore, he is entitled to no presumption of a well-founded fear of future persecution, and his remaining evidence does not satisfy his burden of proof.

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