

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1215

SOULEYMANE BANDELE BELLO,

Petitioner,

versus

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

Respondent.

On Petition for Review of an Order of the Board of Immigration
Appeals. (A79-478-496)

Submitted: November 19, 2004

Decided: December 3, 2004

Before WILLIAMS, MOTZ, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Brian E. Mezger, LAW OFFICE OF BRIAN E. MEZGER, Bethesda, Maryland,
for Petitioner. Peter D. Keisler, Assistant Attorney General,
Alison M. Igoe, Senior Litigation Counsel, Alison R. Drucker,
Senior Litigation Counsel, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Souleymane Bandele Bello, a native and citizen of Niger, petitions for review of an order of the Board of Immigration Appeals ("Board") dismissing his appeal from the immigration judge's denial of asylum, withholding of removal, and protection under the Convention Against Torture.

In his petition for review, Bello challenges the Board's determination that he failed to establish his 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 Bello fails to show that the evidence compels a contrary result. Accordingly, we cannot grant the relief that he seeks.

Additionally, we uphold the denial of Bello's request for withholding of removal. "Because the burden of proof for withholding of removal is higher than for asylum--even though the facts that must be proved are the same--an applicant who is ineligible for asylum is necessarily ineligible for withholding of removal under [8 U.S.C.] § 1231(b)(3)." Camara v. Ashcroft, 378 F.3d 361, 367 (4th Cir. 2004). Because Bello fails to show that he

is eligible for asylum, he cannot meet the higher standard for withholding of removal.

We also uphold the denial of Bello's request for protection under the Convention Against Torture. To obtain such relief, an applicant must establish that "it is more likely than not that he or she would be tortured if removed to the proposed country of removal." 8 C.F.R. § 1208.16(c)(2) (2004). We find that Bello fails to make the requisite showing.

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