

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1680

FNU SOEDARMADI; LILIANA SARI,

Petitioners,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A95-902-585; A95-902-586)

Submitted: February 28, 2005

Decided: March 21, 2005

Before WILKINSON, NIEMEYER, and LUTTIG, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Ivan Yacub, LAW OFFICE OF IVAN YACUB, Falls Church, Virginia, for Petitioners. Peter D. Keisler, Assistant Attorney General, John C. Cunningham, Senior Litigation Counsel, Luis E. Perez, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Fnu Soedarmadi,* a native and citizen of Indonesia, petitions for review of an order of the Board of Immigration Appeals affirming without opinion the Immigration Judge's (IJ) denial of his applications for asylum, withholding of removal, and protection under the Convention Against Torture.

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 Soedarmadi fails to show that the evidence compels a contrary result. Having failed to qualify for asylum, Soedarmadi cannot meet the higher standard to qualify for withholding of removal. Chen v. INS, 195 F.3d 198, 205 (4th Cir. 1999); INS v. Cardoza-Fonseca, 480 U.S. 421, 430 (1987).

We also uphold the IJ's finding Soedarmadi failed to establish eligibility for protection under the Convention Against Torture. See 8 C.F.R. § 1208.16(c)(2) (2004). 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

*Soedarmadi's wife, Liliana Sari, is included in his application.