

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-1252**

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GULAM SAMAD NOORY,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A78-425-643)

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Submitted: October 17, 2005

Decided: December 27, 2005

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

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Petition denied by unpublished per curiam opinion

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Michael E. Hadeed, Miguel Rodriguez Rivera, BECKER, HADEED, KELLOGG & BERRY, P.C., Springfield, Virginia, for Petitioner. Paul J. McNulty, United States Attorney, Anita C. Snyder, Assistant United States Attorney, Alexandria, Virginia, for Respondent.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Gulam Samad Noory, a native and citizen of Afghanistan, petitions for review of an order of the Board of Immigration Appeals affirming the Immigration Judge's denial of his applications for asylum and withholding of removal.

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 Noory fails to show that the evidence compels a contrary result. Having failed to qualify for asylum, Noory 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).

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