

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-1823**

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MARY KASOKA,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General of the  
United States,

Respondent.

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On Petition for Review of an Order of the Board of Immigration  
Appeals. (A96-287-089)

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Submitted: January 31, 2006

Decided: February 15, 2006

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Before MOTZ, KING, and DUNCAN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Bokwe G. Mofor, Silver Spring, Maryland, for Petitioner. Peter D.  
Keisler, Assistant Attorney General, James A. Hunolt, Senior  
Litigation Counsel, Andrew A. Steinberg, 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Unpublished opinions are not binding precedent in this circuit.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).

PER CURIAM:

Mary Kasoka, a native and citizen of the Democratic Republic of Congo, petitions for review of an order of the Board of Immigration Appeals (Board) adopting and affirming the Immigration Judge's (IJ) order denying her applications for asylum, withholding of removal, and protection under the Convention Against Torture (CAT). Kasoka contends that she established eligibility for asylum. As the IJ and Board concluded that the asylum application was untimely, we find that consideration of Kasoka's asylum claim is barred. See 8 U.S.C. § 1158(a)(3) (2000).

Kasoka also challenges the finding that she failed to qualify for withholding of removal and for protection under CAT. "To qualify for withholding of removal, a petitioner must show that he faces a clear probability of persecution because of his race, religion, nationality, membership in a particular social group, or political opinion." Rusu v. INS, 296 F.3d 316, 324 n.13 (4th Cir. 2002) (citing INS v. Stevic, 467 U.S. 407, 430 (1984)). To qualify for protection under the Convention Against Torture, a petitioner bears the burden of demonstrating 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) (2005). Having conducted our review, we conclude that substantial evidence supports the finding that Kasoka failed to meet these standards.

We accordingly 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