

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1808

TANYI ERNEST AYAMBA,

Petitioner,

versus

ALBERTO R. GONZALES,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A97-937-614)

Submitted: January 12, 2007

Decided: February 26, 2007

Before NIEMEYER, WILLIAMS, and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

William Payne, BLAIR & LEE, P.C., College Park, Maryland, for Petitioner. Rod J. Rosenstein, United States Attorney, Jennifer A. Wright, Assistant United States Attorney, Baltimore, Maryland, for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tanyi Ernest Ayamba, a native and citizen of Cameroon, petitions for review of an order of the Board of Immigration Appeals ("Board") affirming the immigration judge's decision denying his requests for asylum, withholding of removal, and protection under the Convention Against Torture.

On appeal, Ayamba contends that the Board erred in finding that he failed to meet his burden of establishing his eligibility for asylum. The record reveals, however, that the asylum application was denied on the ground that Ayamba failed to demonstrate that he filed his application within one year of the date of his arrival in the United States. See 8 U.S.C. § 1158(a)(2)(B) (2000). We lack jurisdiction to review this determination pursuant to 8 U.S.C. § 1158(a)(3) (2000). Given this jurisdictional bar, we cannot review the underlying merits of Ayamba's asylum claim.

Ayamba also contends that the Board and immigration judge erred in denying his request for withholding of removal. "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)). Based on our review of the record, we find that Ayamba failed to make the

requisite showing before the immigration court. We therefore uphold the denial of his request for withholding of removal.

We also find that substantial evidence supports the finding that Ayamba fails to meet the standard for relief 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) (2005). We find that Ayamba failed to make the requisite showing before the immigration court.

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