UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1225

PATRICK WANJEHIA GAKUO,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals.

Submitted: October 16, 2008 Decided: October 24, 2008

Before MICHAEL, GREGORY, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Kell Enow, ENOW & PATCHA IMMIGRATION PRACTICE, Silver Spring, Maryland, for Petitioner. Gregory G. Katsas, Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Yamileth G. HandUber, Joseph I. Frydman, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Patrick Wanjehia Gakuo, a native and citizen of Kenya, petitions for review of an order of the Board of Immigration Appeals affirming without opinion the Immigration Judge's denial of his applications for relief from removal.

Gakuo first challenges the determination that he failed to establish 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 Gakuo fails to show that the evidence compels a contrary result. Having failed to qualify for asylum, Gakuo cannot meet the more stringent standard 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). Finally, we uphold the finding below that Gakuo failed to demonstrate that it is more likely than not that he would be tortured if removed to Kenya. 8 C.F.R. § 1208.16(c)(2) (2008).

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