UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1346

AYE AYE PHYU,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: September 28, 2010 Decided: October 15, 2010

Before WILKINSON, NIEMEYER, and AGEE, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Aye Aye Phyu, Petitioner Pro Se. Melody A. Brukiewa, IMMIGRATION AND NATURALIZATION SERVICE, Baltimore, Maryland; Kiley L. Kane, Tyrone Sojourner, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

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PER CURIAM:

Aye Aye Phyu, a native and citizen of Burma, petitions for review of an order of the Board of Immigration Appeals dismissing her appeal from the Immigration Judge's denial of her applications for relief from removal.

Phyu first challenges the determination that she 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 Phyu fails to show that the evidence compels a contrary result.

Having failed to qualify for asylum, Phyu 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 Phyu failed to demonstrate that it is more likely than not that she would be tortured if removed to Burma. 8 C.F.R. § 1208.16(c)(2) (2010).

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