

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-1433

Tomas Xorxe Tarce,

Petitioner,

v.

Mark Filip,¹ Acting Attorney General
of the United States,

Respondent.

*

*

*

*

*

*

*

*

*

*

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

[UNPUBLISHED]

Submitted: January 30, 2009

Filed: February 4, 2009

Before RILEY, SMITH, and BENTON, Circuit Judges.

PER CURIAM.

Guatemalan citizen Tomas Tarce petitions for review of an order of the Board of Immigration Appeals (BIA) affirming an Immigration Judge's (IJ's) denial of his application for asylum, withholding of removal, and relief under the Convention Against Torture (CAT).

¹Mark Filip has been appointed to serve as Acting Attorney General, and is substituted as respondent pursuant to Federal Rule of Appellate Procedure 43(c).

After careful review of the record, we conclude the decision of the IJ and the BIA--that Tarce failed to establish either past persecution or a well-founded fear of future persecution on account of a protected ground--is supported by substantial evidence in the record as a whole. See Eta-Ndu v. Gonzales, 411 F.3d 977, 982-83 (8th Cir. 2005) (standard of review); see also Quomsieh v. Gonzales, 479 F.3d 602, 605 (8th Cir. 2007) (when BIA adopts IJ's decision and adds its own reasoning, this court reviews both decisions together). Because Tarce alleged the same factual basis for all his claims, the conclusions that support the denial of his asylum claim also support the denial of his withholding-of-removal and CAT claims. See Samedov v. Gonzales, 422 F.3d 704, 708-09 (8th Cir. 2005).

Accordingly, we deny the petition.
