

May 12, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60514
Summary Calendar

HIEN PHI HOANG,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A42 360 369

Before BARKSDALE, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:*

Hien Phi Hoang appeals the Board of Immigration Appeals' final order of removal for having been convicted of an aggravated felony for which a sentence of at least one year was imposed.

Hoang, who pleaded guilty in 1998 to the Louisiana crime of being an accessory after the fact, argues that this court should look beyond the fact of conviction and the definition of the offense to determine whether he actually committed an aggravated felony. However, this court does not allow the review of immigration

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

proceedings to be used as a forum for collateral attacks on related convictions. See Howard v. INS, 930 F.2d 432, 434-35 (5th Cir. 1991); Zinnanti v. INS, 651 F.2d 420, 421 (5th Cir. 1981). Because Hoang was convicted of an aggravated felony, this court lacks jurisdiction over his petition. See Nehme v. INS, 252 F.3d 415, 420, 433 (5th Cir. 2001). The petition is DISMISSED.

The Respondent has filed a motion for summary affirmance of the BIA's decision. That motion is DENIED as UNNECESSARY. Petitioner's motion to amend is DENIED as MOOT.

PETITION FOR REVIEW DISMISSED; MOTIONS DENIED.