

October 5, 2004

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60862
Summary Calendar

NIKITA ANDREVICH SAMODUMOV;
ANDREY ANDREVICH SAMODUMOV,

Petitioners,

v.

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A73-113-707
BIA No. A73-113-708

Before JOLLY, HIGGINBOTHAM, and SMITH, Circuit Judges.

PER CURIAM:*

In this appeal, we review the Board of Immigration Appeals' (hereinafter, "BIA") decision to dismiss Petitioners, Nikita and Andrey Samodumov's, appeals and the BIA's denial of the Samodumovs' motions to remand.

*Pursuant to 5th Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

Nikita and Andrey Samodumov, natives and citizens of Russia, argue that either the Immigration Judge or the BIA should have reopened their case and remanded it to the District Director because only the District Director has jurisdiction to adjudicate their pending application for adjustment of status.

This court recently held that because no meaningful standard exists against which to judge an Immigration Judge's decision to exercise sua sponte authority to reopen deportation proceedings, we lack jurisdiction to review a decision not to reopen deportation proceedings. *See Enrique-Alvarado v. Ashcroft*, 371 F.3d 246, 249 (5th Cir. 2004) (citing *Heckler v. Chaney*, 470 U.S. 821, 830 (1985)).

Therefore, the Samodumovs' petition for review is DENIED.