

October 20, 2004

UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 04-20246  
Summary Calendar

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FIDELIS OSAZUWA IDAHOSA,

Petitioner-Appellant,

versus

BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT;  
UNITED STATES DEPARTMENT OF HOMELAND SECURITY

Respondents-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
(H-03-CV-3944)

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Before JONES, BARKSDALE, and PRADO, Circuit Judges.

PER CURIAM:\*

Fidelis Osazuwa Idahosa appeals, *pro se*, the dismissal, for lack of subject matter jurisdiction, of his complaint seeking review of the denial of his application for naturalization. Our review is *de novo*. *Aparicio v. Blakeway*, 302 F.3d 437, 441 (5th Cir. 2002).

Courts may review the denial of an application for naturalization only after it has been reviewed in an administrative hearing before an immigration officer. 8 U.S.C. § 1421(c). Idahosa

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

did not comply with the applicable regulations for obtaining such a hearing. See 8 C.F.R. § 336.2; 8 U.S.C. § 1421(c). Because Idahosa did not exhaust the available administrative remedies, the district court lacked jurisdiction to review the denial of his application for naturalization. See 8 C.F.R. § 336.9(d); see also *Townsend v. United States Dep't of Justice Immigration & Naturalization Serv.*, 799 F.2d 179, 181 (5th Cir. 1986).

**AFFIRMED**