

February 14, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-60327
Summary Calendar

MILCIADES FELIZ-CRUZ,

Petitioner,

versus

ALBERTO R. GONZALES, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A72 838 042

Before JONES, Chief Judge, and KING and DAVIS, Circuit Judges.

PER CURIAM:*

Milciades Feliz-Cruz (Feliz) petitions this court for review of the BIA's denial of his motion to reopen removal proceedings. Feliz concedes that he has filed two motions to reopen, but he contends that because his first motion alleged that he was denied notice before the immigration judge issued an in absentia removal order, the first motion should not count against the numerical limitation placed on motions to reopen. Feliz cannot establish that the BIA abused its discretion in denying his most recent motion to reopen as exceeding the numerical limitation on such

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

filings. See Altamirano-Lopez v. Gonzales, 435 F.3d 547, 549-50 (5th Cir. 2006); 8 C.F.R. § 1003.2(c)(2), (3); 8 C.F.R. § 1003.23(b)(4)(ii).

Feliz also contends that the BIA abused its discretion by refusing to reopen the case sua sponte, in light of the exceptional circumstances he has shown. Because there is "no legal standard against which to judge an [administrative agency's] decision not to invoke its sua sponte authority," we lack jurisdiction to consider this claim. See Enrriquez-Alvarado v. Ashcroft, 371 F.3d 246, 250 (5th Cir. 2004). Feliz's petition for review is DENIED.