

September 28, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-60860  
Summary Calendar

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VERA SAMODOUMOVA,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A73 113 706  
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Before JONES, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Vera Samodoumova, a native and citizen of Russia, petitions for review of the Board of Immigration Appeals' ("BIA") dismissal of her appeal and denial of motions to remand. Because only the District Director may adjudicate her pending application for adjustment of status, Samodoumova argues that the Immigration Judge

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

("IJ") or the BIA should have reopened her case and remanded it to the District Director.

We recently addressed a similar argument that the BIA should have compelled the IJ to reopen a deportation case. Because "no meaningful standard exists against which to judge an IJ's decision to exercise *sua sponte* authority to reopen deportation proceedings," we lack jurisdiction to review the decision not to reopen. Enriquez-Alvarado v. Ashcroft, 371 F.3d 246, 249 (5th Cir. 2004) (citing Heckler v. Chaney, 470 U.S. 821, 830 (1985)).

Accordingly, the petition for review is DENIED.