

December 1, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 05-60464
Summary Calendar

CRESCENCIO TREJO-ROMERO,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A76 823 890

Before DeMOSS, STEWART and PRADO, Circuit Judges.

PER CURIAM:*

Crescencio Trejo-Romero seeks review of the decision of the Board of Immigration Appeals (BIA) decision affirming the immigration judge's (IJ) denial of adjustment of status. Trejo-Romero has also filed a motion to remand correctly contending that recent amendments to 8 C.F.R. § 1245

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

eliminate the regulatory basis for the immigration judge's decision denying him adjustment of status. *See* 71 Fed. Reg. 27585 (May 12, 2006). The respondent does not oppose the motion to remand.

Accordingly, Trejo-Romero's petition for review and motion to remand are GRANTED, the BIA's decision is VACATED, and the matter is REMANDED for a determination of whether Trejo-Romero qualifies for adjustment of status pursuant to amended 8 C.F.R. § 1245.2(a)(1)(ii).