

FILED

September 15, 2003

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 02-60977
Summary Calendar

MARGARITO ROMAN,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A75-224-229

Before SMITH, DUHÉ, and WIENER, Circuit Judges.

PER CURIAM:¹

Margarito Roman petitions this court for review of the Board of Immigration Appeals' (BIA) decision affirming the Immigration Judge's order denying his application for cancellation of removal pursuant to 8 U.S.C. § 1229b(b)(1). Roman argues that his removal from the country will cause his children undue hardship. This court lacks jurisdiction to review the merits of his petition because whether Roman's children will suffer hardship if

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

he is removed is subject to the discretion of the Attorney General. 8 U.S.C. §§ 1229(b) and 1252(a)(2)(B); Rodriguez v. Ashcroft, 253 F.3d 797, 799 (5th Cir. 2001); Moosa v. INS, 171 F.3d 994, 1012-13 (5th Cir. 1999).

The petition to review is DISMISSED.