

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

November 10, 2008

Charles R. Fulbruge III
Clerk

No. 07-60815
Summary Calendar

WALTER ALEXANDER PERDOMO-ULLOA

Petitioner

v.

MICHAEL B MUKASEY, U S ATTORNEY GENERAL

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A77 800 757

Before JOLLY, BENAVIDES, and HAYNES, Circuit Judges.

PER CURIAM:*

Walter Alexander Perdomo-Ulloa seeks review of an order by the Board of Immigration Appeals (BIA) denying his motion to reopen the removal proceedings against him. He argues that the BIA should have exercised its authority under 8 C.F.R. § 1003.2(a) (2003) to reopen the removal proceedings against him sua sponte and remand his case to allow the immigration judge to consider his application for the Temporary Protected Status program. The BIA

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

held that Perdomo-Ulloa's motion was untimely and did not warrant the reopening of the removal proceedings.

This court cannot undertake review of an agency's discretionary determination where there is "no meaningful standard against which to judge the agency's exercise of discretion." *Heckler v. Chaney*, 470 U.S. 821, 830 (1985). There are no guidelines directing the BIA's decision whether to reopen removal proceedings on its own motion. See 8 C.F.R. § 1003.2(a). Therefore, this court has no jurisdiction to review the BIA's decision to deny Perdomo-Ulloa's untimely motion to reopen. See *Ramos-Bonilla v. Mukasey*, 543 F.3d 216 (5th Cir. 2008).

Accordingly, Perdomo-Ulloa's petition for review is DISMISSED.