

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-60637
Summary Calendar

SERGIO ACOSTA-HERNANDEZ,

Petitioner,

versus

IMMIGRATION AND NATURALIZATION
SERVICE,

Respondent.

- - - - -
Petition for Review of an Order of the
Board of Immigration Appeals
A93 216 844
- - - - -

February 12, 1999

Before DAVIS, DUHE', and PARKER, Circuit Judges.

PER CURIAM:*

Sergio Acosta-Hernandez seeks review of the Board of Immigration Appeals' (BIA's) order denying him discretionary relief from a final order of exclusion. He asserts that, in declining to grant him such relief, the Board failed to attach appropriate weight to his positive attributes and erroneously placed too great an emphasis on his conviction for possession of marihuana with intent to distribute.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Because Acosta's exclusion proceedings were pending as of the effective date of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) but a final order was not entered until after September 30, 1996, the IIRIRA's transitional rules apply to his case. See Lerma de Garcia v. INS, 141 F.3d 215, 216 (5th Cir. 1998). As a result, this court is without jurisdiction to hear any appeal from the order of exclusion or from the Board's denial of discretionary relief from this order. See IIRIRA § 309(c)(4)(E) & (G) (codified at 8 U.S.C. § 1101 (Supp. 1998)). Accordingly, this appeal is DISMISSED.