

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 05-2724

Xiong Huang,

Petitioner,

v.

Alberto Gonzales, Attorney General
of the United States of America,

Respondent.

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Petition for Review of a Final
Decision of the Board of
Immigration Appeals.

[UNPUBLISHED]

Submitted: February 16, 2007
Filed: April 4, 2007

Before WOLLMAN, BYE, and SMITH, Circuit Judges.

PER CURIAM.

Xiong Huang, a native and citizen of China, petitioned for asylum. The Immigration Judge (IJ) denied his asylum petition. The Board of Immigration Appeals (BIA) affirmed. Huang now seeks review. We deny the petition for review.

Huang entered the United States illegally. He originally petitioned for asylum in 1994. After obtaining new counsel, he filed a second petition in 1998, requesting an adjustment of status based upon his recent marriage to a naturalized American citizen. The second asylum petition also claimed that Huang would be persecuted if returned to China because he opposed the nation's one-child policy. The IJ found that

Huang's persecution claim lacked credibility. The IJ also refused to grant Huang the adjustment of status and denied his petition for asylum.

Huang appeals, challenging only the IJ's refusal to grant him an adjustment of status. Adjustment of status is entirely within the discretion of the Attorney General. *Alvarez-Portillo v. Ashcroft*, 280 F.3d 858, 862 (8th Cir. 2002); 8 U.S.C. § 1255. Congress has stripped the courts of jurisdiction to review decisions executed pursuant to that discretion. 8 U.S.C. § 1252(a)(2)(B)(i) ("[N]o court shall have jurisdiction to review . . . any judgment regarding the granting of relief under section . . . 1255 of this title . . . "); *Grass v. Gonzales*, 418 F.3d 876, 878 (8th Cir. 2005). Because we lack jurisdiction to review the Attorney General's discretionary decision to deny an adjustment of status, Huang's petition is dismissed.
