

United States Court of Appeals
For the Eighth Circuit

No. 20-1883

Cuong Phu Le

Petitioner

v.

Jeffrey A. Rosen, Acting Attorney General of United States¹

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals

Submitted: January 13, 2021

Filed: January 19, 2021

[Unpublished]

Before LOKEN, BENTON, and ERICKSON, Circuit Judges.

PER CURIAM.

¹Jeffrey A. Rosen has been appointed to serve as Acting Attorney General of the United States, and is substituted as respondent pursuant to Federal Rule of Appellate Procedure 43(c).

Cuong Phu Le, a native and citizen of Vietnam, filed a motion to reopen his removal proceedings to allow him to seek adjustment of status, based on his marriage to a United States citizen soon after an immigration judge entered a pre-conclusion voluntary departure order. The immigration judge denied the motion, and the Board of Immigration Appeals summarily affirmed. After careful review, we conclude that the agency acted within its discretion in denying the motion to reopen. See Sharif v. Barr, 965 F.3d 612, 618 (8th Cir. 2020) (standard of review); Miah v. Mukasey, 519 F.3d 784, 789-90 (8th Cir. 2008); Fongwo v. Gonzales, 430 F.3d 944, 947 n.2 (8th Cir. 2005). Accordingly, we deny the petition for review.
