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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER
XEM 88 506 6059

Date: **JAN 22 2007**

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Adjustment from Temporary to Permanent Resident Status under
Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C.
§ 1255a

ON BEHALF OF APPLICANT: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for adjustment from temporary to permanent resident status was denied by the Director, Western Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record reveals that the applicant was granted temporary resident status on March 21, 1990. On January 16, 1991, the applicant filed his Form I-698, Application to Adjust Status from Temporary to Permanent Residence. The record revealed that the applicant pled guilty on June 28, 1990, in the Superior Court of California, County of Los Angeles, to one count of possession of a narcotic controlled substance in violation of section 11350(a) of the California Health and Safety Code, a felony. The applicant was placed on probation for a period of three years and ordered to spend 90 days in the county jail. (Case No. [REDACTED]).

The director denied the application on June 3, 1992, because the applicant had been convicted of one felony and was, therefore, statutorily ineligible for adjustment of status from temporary to permanent resident.

The director wrote to the applicant on October 5, 2004, and directed him to file a duplicate appeal form, as the original was lost. However, the notice was returned as undeliverable. Over two years later, the applicant has not contacted the director.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal which is filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals the director accurately set forth a legitimate basis for denial. The applicant has not challenged the basis for denial. The appeal must therefore be summarily dismissed.

It is noted for the record that the applicant pled *nolo contendere* (no contest) on July 31, 1985, in the Municipal Court of Rio Hondo Judicial District, County of Los Angeles, State of California, to one count of battery in violation of section 242 of the California Penal Code, a misdemeanor. (Date of Arrest: June 29, 1985; Case No. [REDACTED])

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.