

November 29, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-61092
Summary Calendar

SULTAN ALI HIMANI; SHAHEEN HIMANI,

Petitioners,

versus

ALBERTO R. GONZALES, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A79 011 598
BIA No. A79 011 597

Before KING, HIGGINBOTHAM, and GARZA, Circuit Judges.

PER CURIAM:*

Sultan Ali Himani and Shaheen Himani seek review of an order of the Board of Immigration Appeals (BIA) that dismissed their appeal of the immigration judge's denial of their claim for withholding of removal.

A petition for review must be filed not later than 30 days after the date of the final order of removal. 8 U.S.C. § 1252(b)(1). The 30-day deadline began to run in this case on October 25, 2005, when the BIA issued its decision and wrote a letter to counsel notifying him of the decision. See

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Karimian-Kaklaki v. INS, 997 F.2d 108, 110-11 (5th Cir. 1993).

The deadline expired on November 24, 2005. The petition for review, filed on November 28, 2005, was filed after the expiration of the deadline. See Stone v. INS, 514 U.S. 386, 405 (1995); Navarro-Miranda v. Ashcroft, 330 F.3d 672, 676 (5th Cir. 2003); *but see Eberhart v. United States*, 126 S. Ct. 403 (2005)(distinguishing between filing deadlines that are claim-processing rules and those that are rules governing subject-matter jurisdiction).

PETITION DISMISSED FOR LACK OF JURISDICTION.