

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-60007

ENRIQUE GARCIA-LOPEZ,

Petitioner,

versus

JANET RENO, U.S. Attorney General,

Respondent.

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

November 16, 2000

Before GOODWIN*, GARWOOD and JONES, Circuit Judges.

PER CURIAM**:

Respondent has moved to dismiss the petition for review for lack of jurisdiction on the ground, among others, that it is untimely. For the reasons below stated, we agree and accordingly grant the motion to dismiss and dismiss the petition for review for want of jurisdiction.

The petition for review seeks to challenge the decision of the

*Circuit Judge of the Ninth Circuit, sitting by designation.

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 R. 47.5 the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Board of Immigration Appeals (BIA) dismissing Petitioner's appeal from the January 25, 1999, decision of the Immigration Judge ordering Petitioner removed to Mexico and denying his application for voluntary departure. The removal proceedings had been commenced in 1998 with the issuance of the notice to appear. The BIA's decision was issued and mailed to Petitioner's counsel of record at his address of record on October 29, 1999. The petition for review was hence due to be filed in this court by not later than thirty days thereafter, namely by not later than Monday November 29, 1999. 8 U.S.C. § 1252(b)(1). However, the petition for review was not filed in this (or any other) court until Wednesday, January 5, 2000. These facts are undisputed and unchallenged. There is no suggestion in the record nor any contention by Petitioner that the delay in filing the petition for review was due to any error, fault or failure on the part of Respondent or the BIA or the Immigration and Naturalization Service (or the United States Postal Service). Where the petition for review is not timely filed this court lacks jurisdiction. *Karimian-Kaklaki v. I.N.S.*, 997 F.2d 108 (5th Cir. 1993); *Guirguis v. I.N.S.*, 993 F.2d 508 (5th Cir. 1993). We have no authority to enlarge the time for filing a petition for review. *Id.*; Fed. R. App. P. 26(b).

Because the petition for review is untimely, we lack jurisdiction. Accordingly, the petition for review is hereby

DISMISSED FOR WANT OF JURISDICTION.