

October 7, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-61126  
Summary Calendar

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FU QIANG LIU

Petitioner

v.

JOHN ASHCROFT, US ATTORNEY GENERAL

Respondent

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A77 908 695  
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Before KING, Chief Judge, and JOLLY and PRADO, Circuit Judges.

PER CURIAM:\*

Fu Qiang Liu, a Chinese national, petitions for review of the Board of Immigrations Appeals' ("BIA") decision summarily affirming the Immigration Judge's order of removal and denial of applications for asylum and withholding of deportation.

The Government moves to dismiss the appeal because the petition for review was not timely filed.

An alien must file his petition for review "not later than 30 days after the date of the final order of removal." 8 U.S.C.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

§ 1252(b)(1). The 30-day filing deadline is jurisdictional. Navarro-Miranda v. Ashcroft, 330 F.3d 672, 676 (5th Cir. 2003).

The 30-day deadline began to run in the instant case on November 19, 2002, when the BIA issued its decision and wrote a letter to Liu's counsel notifying him of the decision. The deadline expired on December 19, 2002. See Karimian-Kaklaki v. I.N.S., 997 F.2d 108, 110-11 (5th Cir. 1993). Liu's petition for review, filed on December 20, 2002, was one day late. Because the petition for review was untimely, this court lacks jurisdiction. See Karimian-Kaklaki, 997 F.2d at 111-13; Guirquis v. I.N.S., 993 F.2d 508, 509 (5th Cir. 1993); see also Navarro-Miranda, 330 F.3d at 676. The Government's motion to dismiss is GRANTED, and the appeal is DISMISSED.