

April 20, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60640
Conference Calendar

WALTER ALFREDO LOPEZ-GONZALEZ,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A28 284 678

Before JOLLY, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

Walter Alfredo Lopez-Gonzalez ("Lopez") petitions for review of the final order of the Board of Immigration Appeals ("BIA") dismissing his appeal from the decision of the immigration judge denying his motion to reopen his deportation proceedings for failure to file a timely notice of appeal. Lopez argues that he is entitled to an adjustment of status to lawful permanent resident alien and that this court has jurisdiction over his claims pursuant to 28 U.S.C. § 2241.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

As Lopez did not properly raise his claims before the BIA and exhaustion is statutorily mandated, this court does not have jurisdiction over the present petition. See Wang v. Ashcroft, 260 F.3d 448, 452 (5th Cir. 2001); see also 8 U.S.C. § 1105a(c) (1994). As Lopez has not filed a 28 U.S.C. § 2241 petition for writ of habeas corpus, this court does not have jurisdiction pursuant to that statute. Accordingly, the petition for review is DISMISSED for lack of jurisdiction.