

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 18-60106
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 4, 2019

Lyle W. Cayce
Clerk

TANG CHEN,

Petitioner

v.

WILLIAM P. BARR, U. S. ATTORNEY GENERAL,

Respondent

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

Before DAVIS, HAYNES, and GRAVES, Circuit Judges.

PER CURIAM:*

Tang Chen timely petitioned for review of an order of the Board of Immigration Appeals (BIA) dismissing his appeal of the Immigration Judge's decision to deny relief. After this appeal was filed, the BIA entered an order vacating its prior decision and substituting a new decision which did not alter the outcome or reasoning. No subsequent petition for review was filed.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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We requested supplemental briefing on our jurisdiction in light of this event. Having considered that briefing and the applicable law, we conclude that an explicit vacatur of a prior decision by the BIA divests this court of jurisdiction. *Espinal v. Holder*, 636 F.3d 703, 705-06 (5th Cir. 2011). Because Chen did not file a timely petition for review of the new BIA order, we lack jurisdiction to consider it. *Moreira v. Mukasey*, 509 F.3d 709, 713 (5th Cir. 2007).

DISMISSED.