

United States Court of Appeals
for the Fifth Circuit

No. 22-60046
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 12, 2022

Lyle W. Cayce
Clerk

FRANCISCO ANDRES-FRANCISCO,

Petitioner,

versus

MERRICK GARLAND, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A029 156 254

Before HIGGINBOTHAM, DENNIS, and HO, *Circuit Judges.*

PER CURIAM:*

Francisco Andres-Francisco, a native and citizen of Guatemala, seeks review of the dismissal of his appeal to the Board of Immigration Appeals (BIA) from the immigration judge's decision denying his applications for withholding of removal and protection under the Convention Against

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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Torture and ordering his removal. His pro se petition for review was filed while he was not detained.

We must examine jurisdictional questions on our own motion if necessary. *Goonsuwan v. Ashcroft*, 252 F.3d 383, 385 (5th Cir. 2001). 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). This filing deadline is mandatory and jurisdictional, and it is not subject to equitable tolling. *Stone v. INS*, 514 U.S. 386, 405 (1995).

Here, the BIA issued its decision on December 20, 2021, and the record shows that the decision was mailed to Andres-Francisco on the same date. *See Karimian-Kalaki v. INS*, 997 F.2d 108, 111 (5th Cir. 1993). However, the petition for review was not filed in this court until 31 days later on January 20, 2022. The petition is thus untimely, and we lack jurisdiction to consider it. *See* § 1252(b)(1); *Stone*, 514 U.S. at 405; *see also Ramos-Lopez v. Lynch*, 823 F.3d 1024, 1027 (5th Cir. 2016) (dismissing petition for review that was filed one day late).

Accordingly, the petition for review is DISMISSED.