

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-4912

Summary Calendar

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JOHN CLUBB and HELEN CLUBB,

Petitioners,

v.

FEDERAL BUREAU OF INVESTIGATION,

Respondent.

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Petition for Review of an Order of the  
Federal Bureau of Investigation  
(3290-92-14)

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(February 28, 1994)

Before KING, HIGGINBOTHAM and BARKSDALE, Circuit Judges.

PER CURIAM:\*

John and Helen Clubb petitioned the Federal Bureau of Investigation (FBI) for mitigation of the FBI's administrative forfeiture of over \$80,000 in United States currency seized from their residence. Their petition was denied, and they now petition this court for review.

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\*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

Pursuant to 21 U.S.C. § 877, this court has jurisdiction to review on direct appeal a denial of a petition for remission or mitigation by the FBI. See Scarabin v. DEA, 925 F.2d 100, 100-01 (5th Cir. 1991). However, in order to invoke the jurisdiction of this court, the petitioner must file a petition for review within thirty days of receiving notice of the FBI's decision. 21 U.S.C. § 877. Federal Rule of Appellate Procedure 15 sets out the process for obtaining review of an order of an administrative agency. This rule provides that review of an order of an administrative agency "shall be obtained by filing with the clerk of a court of appeals which is authorized to review such order, within the time prescribed by law, a petition . . . ."

Additionally, Federal Rule of Appellate Procedure 26 provides that this court may not "enlarge the time prescribed by law for filing a petition to enjoin, set aside, suspend, modify, enforce or otherwise review . . . an order of an administrative agency."

The Clubbs received notice of the FBI's adverse decision concerning their petition for remission or mitigation on May 10, 1993. However, the Clubbs did not file their petition for review in this court until June 11, 1993, or two days late. We have held that "[s]tatutory time limits on petitions for review of agency actions are jurisdictional in nature such that if the challenge is brought after the statutory time limit, we are powerless to review the agency's action." Texas Mun. Power Agency v. EPA, 799 F.2d 173, 174 (5th Cir. 1986); see also Nutt v. DEA, 916 F.2d 202, 203 (5th Cir. 1990) (determining that

because petitioner filed his petition for review more than 30 days after receiving notice this court did not have jurisdiction to review the agency's order under 21 U.S.C. § 877). Therefore, because the Clubbs have filed their petition of review of the FBI's order outside the statutory time period, we must dismiss the Clubbs' appeal for lack of jurisdiction.

This appeal is DISMISSED.