

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60103
Summary Calendar

TEXBERRY CONTAINER CORP.,

Petitioner,

versus

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

- - - - -
Petition for Review of a
Final Order Issued by the
Immigration and Naturalization Service
95HOU 274A-008
- - - - -

January 17, 1997

Before JONES, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:*

Texberry Container Corp. appeals the Immigration and Naturalization Service's (INS) final order to pay a fine for violations of 8 U.S.C. § 1324a(a)(1)(B). Texberry filed a petition for review and argues that it filed a timely request for a hearing to contest the INS' notice of intent to fine, precluding the INS from issuing a final order.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

The INS' final order to pay a fine was proper because Texberry failed to timely file its request for a hearing and failed to follow the instructions for filing the request. See 8 C.F.R. §§ 103.2(a)(1), 274a.9(e)8. Therefore, this court does not have jurisdiction to review the underlying order to pay a fine. 8 U.S.C. § 1324a(e)(3)(B); 8 C.F.R. § 274a.9(f).

Accordingly, Texberry's petition for review must be dismissed.

PETITION DISMISSED.