

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

United States Court of Appeals
Fifth Circuit

FILED

October 16, 2019

Lyle W. Cayce
Clerk

No. 19-60343
Summary Calendar

AUGUSTINE DAFE IKOLO, also known as Marcus Brown,
also known as Mbuthelezi Mwokwena, also known as Frank Bones,
also known as Daffy,

Petitioner,

versus

KEVIN K. MCALEENAN,
Acting Secretary, U.S. Department of Homeland Security,

Respondent.

Petition for Review of an Order of
the Board of Immigration Appeals
No. A 204 754 480

Before DAVIS, SMITH, and HIGGINSON, Circuit Judges.

PER CURIAM:*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 19-60343

Augustine Ikolo, a native and citizen of Nigeria, petitions for review of an expedited removal order of the Department of Homeland Security (“DHS”). In response to DHS’s Notice of Intent to Issue a Final Administrative Removal Order, Ikolo requested withholding of removal under the Convention Against Torture. Ikolo contends that the DHS ignored his response and has failed to give him notice of any reasonable-fear proceedings. The government moves to dismiss for want of jurisdiction.

We have jurisdiction to review a removal order that is “final.” *See Flores-Ledezma v. Gonzales*, 415 F.3d 375, 380 (5th Cir. 2005). Regardless of the parties’ agreement that Ikolo’s reasonable-fear interview has not been scheduled since his request for withholding of removal in May, we lack jurisdiction to consider the petition for review because reasonable-fear proceedings have not yet concluded. *See Ponce-Osorio v. Johnson*, 824 F.3d 502, 505–06 (5th Cir. 2016). Accordingly, the motion to dismiss is GRANTED, and the petition is DISMISSED.