

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 21, 2022

Lyle W. Cayce
Clerk

No. 21-60556
Summary Calendar

CARL ONEAL,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A097 506 241

Before WIENER, DENNIS, and HAYNES, *Circuit Judges.*

PER CURIAM:*

Carl O’Neal¹ is a native and citizen of Guyana. He seeks review of a Board of Immigration Appeals (BIA) order denying his motion for reopening

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

¹ The Board of Immigration Appeals referred to the Petitioner as “ONEAL.” The Department of Justice listed him as “Carl Oneal a.k.a Carl O’Neal.” Because his briefing before our court refers to himself as “O’Neal,” we will use that nomenclature.

No. 21-60556

and reconsideration. The petition for review is dismissed for lack of jurisdiction.

The BIA's order was issued on June 9, 2021. This court did not receive O'Neal's petition until July 13, 2021, after the thirty-day window for timely filing had closed. *See* 8 U.S.C. § 1252(b)(1). The time limit for filing a petition for review is "mandatory and jurisdictional." *Stone v. INS*, 514 U.S. 386, 405 (1995) (quoting *Mo. v. Jenkins*, 495 U.S. 33, 45 (1990)).

O'Neal's petition is signed and dated July 2, 2021. His declaration only states that his petition was "executed" on July 2, 2021. It does not state when the petition was mailed, or include a postmark establishing the date of mailing. *See* FED. R. APP. P. 25(a)(2)(A)(iii). In its response, the Government pointed out this problem, yet in his reply, O'Neal once again said only that it was "executed" on July 2, wholly failing to address the Rule 25(a)(2)(A)(iii) requirements or seek permission to do so. Accordingly, the petition is dismissed for lack of jurisdiction. *Stone*, 514 U.S. at 405.

The petition for review is DISMISSED.