

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 5, 2022

Lyle W. Cayce
Clerk

No. 20-60366
Summary Calendar

JOSE DE JESUS VARGAS BARAJAS, *also known as* ALBERTO
VARGAS-BARAJAS, *also known as* JESUS VARGAS-BARAJAS,

Petitioner,

v.

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A201 067 704

Before BARKSDALE, COSTA, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Jose De Jesus Vargas Barajas, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' (BIA) dismissing his appeal of an Immigration Judge's denial of asylum and cancellation of removal. Our

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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court has jurisdiction to review petitions challenging BIA decisions if filed within “30 days after the date of the final order of removal”. 8 U.S.C. § 1252(b)(1) (requirements for review of orders of removal).

The BIA issued its decision on 13 March 2020, but our court did not receive the petition for review until 7 May 2020. Barajas acknowledged the filing was not timely and points to the carrier as the problem. But, “filing is not timely unless the clerk *receives* the papers within the time fixed for filing”. FED. R. APP. P. 25(a)(2)(A) (emphasis added); *see Navarro-Miranda v. Ashcroft*, 330 F.3d 672, 676 (5th Cir. 2003) (holding petition for review mailed within 30-day period but received after expiration of period was untimely and court lacked jurisdiction).

DISMISSED.