UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 05-2402

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NICHOLAS S. BEHARRY,

Petitioner,

versus

ALBERTO R. GONZALES,

Respondent.

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On Petition for Review of an Order of the Board of Immigration
Appeals. (A27-959-070)

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Submitted: January 19, 2007   Decided: February 26, 2007

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Before SHEDD and DUNCAN, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

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Petition dismissed by unpublished per curiam opinion.

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Nicholas S. Beharry, Petitioner Pro Se. M. Jocelyn Lopez Wright,
Song E. Park, UNITED STATES DEPARTMENT OF JUSTICE, Washington,
D.C., for Respondent.

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PER CURIAM:

On October 31, 2005, Nicholas S. Beharry, a native and citizen of Trinidad and Tobago, filed a habeas corpus petition in the district court challenging an order of the Board of Immigration Appeals that affirms the Immigration Judge's order of removal. The district court transferred the habeas corpus petition to this court, and it was docketed as a petition for review of the Board's order.

We find that the habeas petition was not properly transferred to this court and may not be considered a timely petition for review. See Chen v. Gonzales, 435 F.3d 788, 790 (7th Cir. 2006) (noting that a § 2241 petition challenging a removal order filed in the district court after the enactment of the Real ID Act on May 11, 2005, must be dismissed); Medellin-Reyes v. Gonzales, 435 F.3d 721, 723-24 (7th Cir. 2006) (finding that collateral proceedings filed after May 11, 2005, will be dismissed outright, given that the window for belated judicial review has closed). Nor does the district court have jurisdiction over the petition. See 8 U.S.C.A. § 1252(b)(9) (West 2005).

We accordingly dismiss the petition for review for lack of jurisdiction. We deny Beharry's pending motion to stay removal as moot and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DISMISSED