

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1946

DENNIS JETOH,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals.

Submitted: January 12, 2009

Decided: March 23, 2009

Before TRAXLER, GREGORY, and SHEDD, Circuit Judges.

Petition dismissed by unpublished per curiam opinion.

Dennis Jetoh, Petitioner Pro Se. Daniel Eric Goldman, Senior Litigation Counsel, Jonathan Aaron Robbins, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dennis Jetoh, a native and citizen of Liberia, petitions for review of an order of the Board of Immigration Appeals ("Board") denying his motion to reconsider. Because the petition for review was not filed within thirty days of the Board's order, the petition must be dismissed for lack of jurisdiction.

The Board entered the order denying Jetoh's motion to reconsider on July 28, 2008. Pursuant to 8 U.S.C. § 1252(b)(1) (2006), Jetoh had thirty days, or until August 27, 2008, to timely file a petition for review. This time period is "jurisdictional in nature and must be construed with strict fidelity to [its] terms." Stone v. INS, 514 U.S. 386, 405 (1995). It is "not subject to equitable tolling." Id. Because Jetoh did not file his petition until August 28, 2008, it is untimely filed. Under Rule 25(a)(2) of the Federal Rules of Appellate Procedure, filings are not timely if not filed with the clerk of the court within the time fixed for such a filing.

Accordingly, we dismiss the petition for review for lack of jurisdiction. We also deny as moot the motion to stay removal. We 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