

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1031

NADIA MARGARITA MARTINEZ-SAENZ,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney General,

Respondent.

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

Submitted: April 19, 2018

Decided: April 24, 2018

Before GREGORY, Chief Judge, and THACKER and HARRIS, Circuit Judges.

Petition dismissed by unpublished per curiam opinion.

Nadia Margarita Martinez-Saenz, Petitioner Pro Se. Lori B. Warlick, 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Unpublished opinions are not binding precedent in this circuit.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:

Nadia Margarita Martinez-Saenz, a native and citizen of Guatemala, petitions for review of an order of the Board of Immigration Appeals (Board) denying her motion to reopen her removal proceedings. The Attorney General moves to dismiss the petition for review for lack of jurisdiction on the ground that it was untimely filed. Because the petition was not filed within thirty days of the Board's order, we grant the motion and dismiss the petition for review.

The Board issued its decision on September 14, 2017. Pursuant to 8 U.S.C. § 1252(b)(1) (2012), Martinez-Saenz had thirty days, or until October 16, 2017,* to timely file a petition for review. The Supreme Court has held that 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 Martinez-Saenz did not file her petition until January 9, 2018, the petition for review was untimely filed.

Accordingly, we grant the Attorney General's motion to dismiss and dismiss the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DISMISSED

* Because the thirtieth day fell on a Saturday, Martinez-Saenz had until Monday, October 16, 2017, to timely file her petition.