

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-1407

ROMULO HERNANDEZ ARGUETA,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney General,

Respondent.

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

Submitted: August 23, 2018

Decided: August 27, 2018

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

Petition dismissed by unpublished per curiam opinion.

Romulo Hernandez Argueta, Petitioner Pro Se. Jonathan Kevin Ross, 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Unpublished opinions are not binding precedent in this circuit.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:

Romulo Hernandez Argueta, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from the immigration judge's denial of his applications for withholding of removal and protection under the Convention Against Torture. We dismiss the petition for review for lack of jurisdiction because it was untimely filed.

“The petition for review must be filed not later than 30 days after the date of the final order of removal.” 8 U.S.C. § 1252(b)(1) (2012). 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.*

The Board's decision was issued on March 1, 2018. Pursuant to 8 U.S.C. § 1252(b)(1), Hernandez Argueta had thirty days, or until Monday, April 2, 2018, to timely file the petition for review. *See* Fed. R. App. P. 26(a)(1)(C). Hernandez Argueta's petition for review, which was filed at the earliest on April 9, 2018, is clearly untimely. Accordingly, we dismiss the petition for review for lack of jurisdiction. 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