

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 15-60910
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 4, 2017

Lyle W. Cayce
Clerk

CHARLES STEPHENS,

Petitioner

v.

JEFFERSON B. SESSIONS, III, U. S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A038 541 554

Before HIGGINBOTHAM, PRADO, and HAYNES, Circuit Judges.

PER CURIAM:*

Charles Stephens is a native of Guyana and citizen of the United Kingdom who was ordered removed based on his commission of an aggravated felony. He petitions this court for review of an order of the Board of Immigration Appeals (BIA) denying as untimely his motion to reconsider or reopen. He argues that the BIA erred by concluding that he was not entitled to equitable tolling. He further argues that his prior counsel rendered

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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ineffective assistance by not arguing that his offense did not involve more than \$10,000 because there is no indication that the district court made such a finding. The record undermines this assertion, as it shows that the district court adopted the presentence report, which found that the offense involved more than \$10,000.

Because Stephens was ordered removed based on his commission of an aggravated felony, and because his arguments concerning equitable tolling and ineffective assistance of counsel do not present substantial constitutional claims, we lack jurisdiction. *See* 8 U.S.C. § 1252(a)(2)(C), (D); *Assaad v. Ashcroft*, 378 F.3d 471, 474-76 (5th Cir. 2004). The petition is, therefore, DISMISSED.