

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-1544

SALIOU DIALLO,

Petitioner,

versus

U.S. IMMIGRATION & NATURALIZATION SERVICE,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A29-695-403)

Submitted: November 20, 2000

Decided: December 28, 2000

Before LUTTIG, MICHAEL, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Bokwe G. Mofor, Silver Spring, Maryland, for Petitioner. David W. Ogden, Assistant Attorney General, Civil Division, Hugh Mullane, Senior Litigation Counsel, Kurt B. Larson, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

On May 4, 2000, Saliou Diallo filed in this court a petition for review from the Board of Immigration Appeals' order of April 3, 2000, denying Diallo's motion to reopen proceedings. The petition was filed thirty-one days after the date of the final order. Diallo has filed a motion to extend time to file the petition for review.

This case is governed by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208, 110 Stat. 3009. Under the transitional rules of that statute, which are applicable here, Diallo had thirty days from the Board's final order to file his petition for review. See IIRIRA § 309(c)(4)(C); see also Hadera v. INS, 136 F.3d 1338, 1340-41 (D.C. Cir. 1998) (holding jurisdiction cannot be waived); Mayard v. INS, 129 F.3d 438, 439 (8th Cir. 1997) (holding § 309(c)(4)(C) applies in petition to review motion to reopen).

Therefore, we deny Diallo's motion to extend time to file the petition for review, and dismiss the petition. 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.

DISMISSED