UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1805

YODI SHEMBO ALYDOR LENGA,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: November 12, 2013 Decided: December 4, 2013

Before DUNCAN, DAVIS, and WYNN, Circuit Judges.

Petition dismissed by unpublished per curiam opinion.

Yodi Shembo Alydor Lenga, Petitioner Pro Se. Ada Elsie Bosque, Nicole N. Murley, Matthew Allan Spurlock, 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Unpublished opinions are not binding precedent in this circuit.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:

Yodi Shembo Alydor Lenga, a native and citizen of the Democratic Republic of the Congo, petitions for review of an order of the Board of Immigration Appeals ("Board") dismissing his appeal from the immigration judge's order finding him removable and denying his applications for relief. 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 on May 23, 2013. Pursuant to 8 U.S.C. § 1252(b)(1) (2012), Lenga had thirty days, or until June 24, 2013, 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 Lenga did not file his petition until June 25, 2013, 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 dispense with oral argument because

[*] The thirtieth day was Saturday, June 22, 2013. Therefore, the petition was due no later than Monday, June 24, 2013. See Fed. R. App. P. 26(a)(1)(C).

the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DISMISSED