

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-3442

Matthew John Shortt,
Petitioner,

v.

Dick Clark's AB Theatre, LLC,
Respondent.

* Petition for Review of
* a Final Decision and Order
* of the Office of the Chief
* Administrative Hearing
* Officer, Executive Office for
* Immigration Review.
*
* [UNPUBLISHED]
*

Submitted: April 26, 2010
Filed: May 3, 2010

Before MELLOY, BOWMAN, and SMITH, Circuit Judges.

PER CURIAM.

Matthew Shortt petitions for review of an order of the Office of the Chief Administrative Hearing Officer (OCAHO) granting summary decision to defendants and dismissing Shortt's claims of citizenship-status employment discrimination under 8 U.S.C. § 1324b. We conclude that this appeal is untimely. Section 1324b provides that a party aggrieved by a final order of the OCAHO may seek a review of that order in the appropriate court of appeals "not later than 60 days after entry of" the order. 8 U.S.C. § 1324b(i)(1). The OCAHO's final order was entered on August 21, 2009, and Shortt's petition for review was filed in this court 61 days after that date, on October 21, 2009. Because the petition for review was not timely filed, we lack jurisdiction to consider the petition. See Curuta v. Office of the Chief Admin. Hearing Officer,

398 F.3d 329, 331 (5th Cir. 2005) (holding that § 1324b(i)(1) requires that petition for review be filed, not merely mailed, by filing deadline); see also Bowles v. Russell, 551 U.S. 205, 210–11 (2007) (discussing "longstanding treatment of statutory time limits for taking an appeal as jurisdictional"). Accordingly, we dismiss the petition for review.
