

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 04-3328

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Aden Hussen Hassan,	*	
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Petitioner,	*	
	*	
v.	*	Petition for Review
	*	of an Order of the
Alberto Gonzales, <sup>1</sup> Attorney General	*	Board of Immigration Appeals.
of the United States,	*	
	*	[UNPUBLISHED]
Respondent.	*	

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Submitted: May 5, 2006  
Filed: May 11, 2006

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Before RILEY, MAGILL, and GRUENDER, Circuit Judges.

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PER CURIAM.

Somalian native Aden Hussen Hassan (Hassan) petitions for review of an order of the Board of Immigration Appeals (BIA), which affirmed an Immigration Judge's (IJ's) denial of asylum, withholding of removal, and relief under the Convention Against Torture. We dismiss the petition for review as untimely, because Hassan did not file his petition within thirty days of the BIA's final order affirming the IJ's

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<sup>1</sup>Alberto Gonzales has been appointed to serve as Attorney General of the United States, and is substituted as respondent pursuant to Federal Rule of Appellate Procedure 43(c).

removal order. See 8 U.S.C. § 1252(b)(1) (petition for review of order of removal “must be filed” within 30 days after date of final order of removal); Halabi v. Ashcroft, 316 F.3d 807, 808 (8th Cir. 2003) (per curiam) (BIA’s affirmance of IJ’s ruling is “final order”); White v. INS, 6 F.3d 1312, 1317-18 (8th Cir. 1993) (petition for review received by clerk one day after statutory period was untimely; rejecting argument that because post office took 5 days to deliver mailed petition, it was “constructively filed” on time; under Federal Rules of Appellate Procedure, document is not filed until received by clerk’s office).

Accordingly, we dismiss the petition. See White, 6 F.3d at 1318 (dismissing untimely petition).

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