

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-10069

Non-Argument Calendar

SIDINEIA DESOUZA SANTANA DASILVA,
ALTAIR ROBERTO DASILVA,
ITALO GUTTIERY SANTANA DASILVA,

Petitioners,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of a Decision of the
Board of Immigration Appeals

Agency No. A220-358-981

Before WILSON, ROSENBAUM, and GRANT, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Altair Roberto Da Silva, Sidineia DeSouza Santana Da Silva, and Italo Gutierry Santana Da Silva, natives and citizens of Brazil, appeal the Board of Immigration Appeals' ("BIA") decision affirming the Immigration Judge's order of removal from the United States. The 30-day statutory time limit required them to file a notice of appeal from the BIA's final order of removal entered on November 21, 2023 by December 21, 2023. INA § 242(b)(1)-(2), 8 U.S.C. § 1252(b)(1)-(2); *see also Dakane v. U.S. Att'y Gen.*, 399 F.3d 1269, 1272 n.3 (11th Cir. 2005) ("[A] petitioner has 30 days from the date of the final order of removal to seek review in our [c]ourt."). However, the Da Silvas did not file their notice of appeal until January 8, 2024.

Further, the Da Silvas cannot claim any exemption or equitable tolling. *See Chao Lin v. U.S. Att'y Gen.*, 677 F.3d 1043, 1045 (11th Cir. 2012) (holding that the statutory time limit for filing a petition for review in an immigration proceeding is mandatory and jurisdictional and not subject to equitable tolling). Accordingly, the notice of appeal is untimely and cannot invoke our jurisdiction. *See Fed. R. App. P. 15(a)(1)* (noting that a petition for review of an

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agency decision must be filed in the court of appeals “within the time prescribed by law”).

All pending motions are DENIED as moot. No petition for rehearing may be filed unless it complies with the timing and other requirements of 11th Cir. R. 40-3 and all other applicable rules.