

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 99-60115  
Summary Calendar

---

PHUC CINH XUAN TROUNG,

Petitioner,

versus

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

-----  
Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A-27-852-607  
-----

March 9, 2000

Before HIGGINBOTHAM, DeMOSS and STEWART, Circuit Judges:

PER CURIAM:\*

Phuc Dinh Xuan Truong, a Vietnamese national, has filed a petition for review of the Board of Immigration Appeals' ("BIA") final order of deportation. Because the petition for review was filed in excess of 30 days from the BIA's decision, this court lacks jurisdiction to consider it. See Illegal Immigration Reform and Immigrant Responsibility Act of 1996 § 309(c)(4)(C). Accordingly, the petition for review is DISMISSED.

To the extent that Truong's petition sounds in habeas, it is TRANSFERRED to the United States District Court for the Western District of Louisiana for disposition. 28 U.S.C. § 2241(b). Truong's motion for release on bond pending deportation is similarly TRANSFERRED. Truong's motion for leave to amend his pleadings is DENIED.

---

\* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

PETITION FOR REVIEW DISMISSED; PETITION FOR WRIT OF HABEAS CORPUS  
TRANSFERRED; MOTION FOR RELEASE TRANSFERRED; MOTION TO AMEND DENIED.