

United States Court of Appeals
For the Eighth Circuit

No. 20-2523

Francisco Leon Lux; Melissa Esmeralda Leon Mejia

Petitioners

v.

Jeffrey A. Rosen, Acting Attorney General of United States¹

Respondent

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

Submitted: January 11, 2021

Filed: January 14, 2021

[Unpublished]

Before KELLY, MELLOY, and GRASZ, Circuit Judges.

PER CURIAM.

Guatemalan native and citizen Francisco Leon Lux, individually and on behalf of his minor child, petitions for review of an order of the Board of Immigration

¹Jeffrey A. Rosen is now Acting Attorney General of the United States, and is substituted as respondent pursuant to Federal Rule of Appellate Procedure 43(c).

Appeals (BIA), which dismissed his appeal from an immigration judge's (IJ's) decision denying his motion to terminate removal proceedings and ordering removal. His sole challenge is that, based on Pereira v. Sessions, 138 S. Ct. 2105 (2018), the IJ lacked jurisdiction over the removal proceedings. We agree with respondent that Lux's challenge is foreclosed by this court's precedent. See Ali v. Barr, 924 F.3d 983, 985-86 (8th Cir. 2019) (holding that decision in Pereira "had nothing to say about when an [IJ] obtains jurisdiction" over removal proceedings; jurisdiction vests when charging document, such as notice to appear, is filed with immigration court; and under 8 U.S.C. § 1003.18(b), notice to appear must contain time, place, and date information for initial removal hearing only "where practicable"). Accordingly, the petition for review is denied. See 8th Cir. R. 47B.
