

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-2079

MENGISTU TAYE,

Petitioner,

v.

DANA JAMES BOENTE, Acting Attorney General,

Respondent.

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

Submitted: January 31, 2017

Decided: February 2, 2017

Before WILKINSON, KEENAN, and THACKER, Circuit Judges.

Petition denied in part, dismissed in part by unpublished per curiam opinion.

Mengistu Taye, Petitioner Pro Se. Benjamin C. Mizer, Principal Deputy Assistant Attorney General, Jessica Eden Burns, Jane Tracey Schaffner, Claire L. Workman, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mengistu Taye, a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals (Board) denying his motion to reopen. We have reviewed the administrative record and the Board's order and conclude that the Board did not abuse its discretion in denying the motion as untimely and number-barred. See 8 C.F.R. § 1003.2(c)(2) (2016). We therefore deny the petition for review in part for the reasons stated by the Board. See In re Taye (B.I.A. Sept. 7, 2016). We lack jurisdiction to review the Board's refusal to exercise its sua sponte authority to reopen and therefore dismiss this portion of the petition for review. See Mosere v. Mukasey, 552 F.3d 397, 400-01 (4th Cir. 2009).

Accordingly, we deny in part and dismiss in part the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED IN PART;
DISMISSED IN PART