

APR 18 2017

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

SUSSAN NG and LIN XIE,

Petitioners,

v.

JEFFERSON B. SESSIONS III, Attorney  
General,

Respondent.

No. 14-73000

Agency Nos. A098-176-997  
A098-176-996

MEMORANDUM\*

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

Submitted April 11, 2017\*\*

Before: GOULD, CLIFTON, and HURWITZ, Circuit Judges.

Sussan Ng and Lin Xie, natives of China and citizens of Australia, petition pro se for review of the Board of Immigration Appeals' ("BIA") order denying their motion to reopen. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen. *Mohammed v.*

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005). We deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying petitioners' second motion to reopen as untimely and number-barred, where it was filed more than six years after the order of removal became final, *see* 8 C.F.R. § 1003.2(c)(2), and they have not established that any statutory or regulatory exception applies, *see* 8 C.F.R. § 1003.2(c)(3).

We lack jurisdiction to consider petitioners' challenges to their underlying proceedings, the BIA's 2007 dismissal of their appeal from an immigration judge's finding of removability, and the BIA's 2008 denial of their motion to reconsider and 2012 denial of their first motion to reopen, because this petition is not timely as to those orders. *See* 8 U.S.C. § 1252(b)(1).

To the extent petitioners seek prosecutorial discretion, we lack jurisdiction to consider such a request. *See Vilchiz-Soto v. Holder*, 688 F.3d 642, 644 (9th Cir. 2012) (order).

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**