

DEC 19 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PAULA JUAN CHAVEZ,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-73569

Agency No. A075-477-111

MEMORANDUM*

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

Submitted December 14, 2016**

Before: WALLACE, LEAVY, and FISHER, Circuit Judges.

Paula Juan Chavez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reopen.

Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of

* 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).

discretion the denial of a motion to reopen. *Mohammed v. 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 by denying Juan Chavez's motion to reopen as untimely, where the motion was filed more than twelve years after her final administrative order of removal, *see* 8 C.F.R. § 1003.2(c)(2), and Juan Chavez failed to invoke any exception to the filing deadline, *see* 8 C.F.R. § 1003.2(c)(3); *Avagyan v. Holder*, 646 F.3d 672, 679 (9th Cir. 2011).

To the extent Juan Chavez challenges the BIA's decision not to invoke its sua sponte authority to reopen proceedings, we lack jurisdiction to consider that contention. *See Mejia-Hernandez v. Holder*, 633 F.3d 818, 823-24 (9th Cir. 2011); *cf. Bonilla v. Lynch*, 840 F.3d 575, 588-89 (9th Cir. 2016).

To the extent Juan Chavez asks this court to exercise sua sponte authority to reopen proceedings, that authority rests with the BIA. *See* 8 C.F.R. § 1003.2(a).

In light of this disposition, we do not reach Juan Chavez's remaining contentions regarding eligibility for relief.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.