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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SERGIO RICARDO GARCIA-  
CAMACHO,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 15-71543

Agency No. A092-518-693

MEMORANDUM\*

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

Submitted September 27, 2016\*\*

Before: TASHIMA, SILVERMAN, and M. SMITH, Circuit Judges.

Sergio Ricardo Garcia-Camacho, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order denying his motion to reopen removal proceedings conducted in absentia. We dismiss the petition for review.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

We lack jurisdiction to review the agency's decision not to reopen proceedings sua sponte. *See Mejia-Hernandez v. Holder*, 633 F.3d 818, 823-24 (9th Cir. 2011); *cf. Bonilla v. Lynch*, No. 12-73853, 2016 WL 3741866, at \*10 (9th Cir. July 12, 2016). We decline to re-examine our holding in *Ekimian v. INS*, 303 F.3d 1153 (9th Cir. 2002), because a three-judge panel cannot reconsider or overrule circuit precedent in the absence of an intervening Supreme Court or en banc decision. *See Avagyan v. Holder*, 646 F.3d 672, 677 (9th Cir. 2011).

**PETITION FOR REVIEW DISMISSED.**