

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 23 2017

FOR THE NINTH CIRCUIT

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

MARIA DEL CARMEN CORZA and
RAMIRO CORZA-CERVANTES,

Petitioners,

v.

JEFFERSON B. SESSIONS, III, Attorney
General,

Respondent.

No. 15-72921

Agency Nos. A075-678-322
A075-678-321

MEMORANDUM*

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

Submitted February 14, 2017**

Before: GOODWIN, FARRIS, and FERNANDEZ, Circuit Judges.

Maria Del Carmen Corza and Ramiro Corza-Cervantes, natives and citizens of Mexico, petition pro se for review of the Board of Immigration Appeals' ("BIA") order denying their motion to reconsider. Our jurisdiction is governed by

* 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).

8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reconsider. *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 in denying petitioners' successive motion to reopen and reconsider as untimely and number-barred where it was filed nearly 11 years after the order of removal became final, *see* 8 C.F.R. § 1003.2(b)(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' unexhausted contentions regarding new evidence of hardship and ineffective assistance of counsel. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

To the extent petitioners contend that the agency should have exercised its sua sponte authority to reopen their case, we also lack jurisdiction to consider that contention. *See Mejia-Hernandez v. Holder*, 633 F.3d 818, 823-824 (9th Cir. 2011); *cf. Bonilla v. Lynch*, 840 F.3d 575, 588 (9th Cir. 2016).

We lack jurisdiction to consider petitioners' request for prosecutorial discretion. *See Vilchiz-Soto v. Holder*, 688 F.3d 642, 644 (9th Cir. 2012) (order).

Petitioners' request for a stay of removal is dismissed as moot.

PETITION FOR REVIEW DENIED in part, DISMISSED in part.