

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1753

DIONISHIAH WANJIRU MWAURA,

Petitioner,

versus

MICHAEL B. MUKASEY, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A96-093-929)

Submitted: January 9, 2008

Decided: January 17, 2008

Before WILKINSON, TRAXLER, and SHEDD, Circuit Judges.

Petition dismissed by unpublished per curiam opinion.

Winston Wen-Hsiung Tsai, Bethesda, Maryland, for Petitioner.
Jeffrey S. Bucholtz, Assistant Attorney General, Barry J. Pettinato, Assistant Director, Russell J. E. Verby, 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Unpublished opinions are not binding precedent in this circuit.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:

Dionishiah Wanjiru Mwaura, a native and citizen of Kenya, petitions for review of an order of the Board of Immigration Appeals ("Board") denying her motion to reopen her immigration proceedings as a matter of discretion. Based on our review of the record, we find we lack jurisdiction to review Mwaura's claim that the Board should have exercised its sua sponte power to reopen her deportation proceedings. See Zhao Quan Chen v. Gonzales, 492 F.3d 153, 155 (2d Cir. 2007); Malty v. Ashcroft, 381 F.3d 942, 945 n.1 (9th Cir. 2004); Harchenko v. INS, 379 F.3d 405, 410-11 (6th Cir. 2004); Enriquez-Alvarado v. Ashcroft, 371 F.3d 246, 249-50 (5th Cir. 2004); Belay-Gebbru v. INS, 327 F.3d 998, 1000-01 (10th Cir. 2003); Calle-Vujiles v. Ashcroft, 320 F.3d 472, 474-75 (3d Cir. 2003); Luis v. INS, 196 F.3d 36, 40-41 (1st Cir. 1999). To the extent Mwaura attempts to avoid the jurisdictional bar by claiming a constitutional violation or a question of law, we find the claim is without merit.

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

PETITION DISMISSED