

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1104

KOKOU MAGBEDE TOUGNON,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: May 15, 2013

Decided: May 30, 2013

Before NIEMEYER, MOTZ, and SHEDD, Circuit Judges.

Petition denied in part and dismissed in part by unpublished per curiam opinion.

Kokou Magbede Tougnon, Petitioner Pro Se. Edward Earl Wiggers, 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Unpublished opinions are not binding precedent in this circuit.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:

Kokou Magbede Tougnon, a native and citizen of Togo, petitions for review of an order of the Board of Immigration Appeals (Board) denying his motion to reopen as untimely and numerically barred. We have reviewed the administrative record and Tougnon's contentions, and conclude that the Board did not abuse its discretion in denying the motion. See 8 C.F.R. § 1003.2(a) (2013). We accordingly deny the petition for review in part for the reasons stated by the Board. See In re: Tougnon (B.I.A. Dec. 28, 2012). We further find that we do not have jurisdiction to review Tougnon's claim that the Board abused its discretion in declining to reopen his removal proceedings sua sponte. See Mosere v. Mukasey, 552 F.3d 397, 400-01 (4th Cir. 2009). We therefore dismiss the petition for review in part with respect to this claim.

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

PETITION DENIED IN PART
AND DISMISSED IN PART