

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1368

PETER KINYANJUI,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney General,

Respondent.

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

Submitted: September 18, 2017

Decided: October 12, 2017

Before GREGORY, Chief Judge, and KEENAN and THACKER, Circuit Judges.

Petition denied in part and dismissed in part by unpublished per curiam opinion.

Japheth N. Matemu, MATEMU LAW OFFICE, P.C., Raleigh, North Carolina, for Petitioner. Chad A. Readler, Acting Assistant Attorney General, John S. Hogan, Assistant Director, Lindsay Corliss, 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Unpublished opinions are not binding precedent in this circuit.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:

Peter Kinyanjui, a native and citizen of Kenya, petitions for review of an order of the Board of Immigration Appeals (Board) denying his motion to reopen as untimely and declining to apply equitable tolling. We have reviewed the administrative record and the Board's order and find no abuse of discretion. *See* 8 C.F.R. § 1003.2(a) (2017). We therefore deny the petition for review in part for the reasons stated by the Board. *See In re Kinyanjui* (B.I.A. Feb. 28, 2017).

We lack jurisdiction to review the Board's refusal to exercise its *sua sponte* authority to reopen and therefore dismiss this portion of the petition for review. *See Lawrence v. Lynch*, 826 F.3d 198, 206-07 (4th Cir. 2016); *Mosere v. Mukasey*, 552 F.3d 397, 400-01 (4th Cir. 2009). 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.

***DENIED IN PART;
DISMISSED IN PART***