

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-2329

SALAMATOU ISSAKA MAIKIDO,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney General,

Respondent.

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

Submitted: July 20, 2018

Decided: August 2, 2018

Before WYNN and THACKER, Circuit Judges, and SHEDD, Senior Circuit Judge.

Petition denied in part and dismissed in part by unpublished per curiam opinion.

Peter E. Torres, New York, New York, for Petitioner. Chad A. Readler, Acting Assistant Attorney General, Anthony C. Payne, Assistant Director, Lance L. Jolley, Trial Attorney, 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Unpublished opinions are not binding precedent in this circuit.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:

Salamatou Issaka Maikido, a native and citizen of Niger, petitions for review of an order of the Board of Immigration Appeals (Board) dismissing her appeal from the immigration judge's decision denying Maikido's motion to reopen her removal proceedings. We have reviewed the Board's order, in conjunction with the administrative record, and conclude that the Board did not abuse its discretion in ruling that the motion was both number- and time-barred, *see* 8 C.F.R. § 1003.2(c)(2), or in agreeing that Maikido failed to substantially comply with the requirements of *In re Lozada*, 19 I. & N. Dec. 637 (B.I.A. 1988). *See Barry v. Gonzales*, 445 F.3d 741, 745–47 (4th Cir. 2006). We therefore deny the petition for review in part for the reasons stated by the Board. *See In re Maikido* (B.I.A. Oct. 25, 2017).

Maikido also challenges the agency's refusal to exercise its authority to reopen her proceedings sua sponte. We lack jurisdiction to review how the agency exercises its sua sponte discretion. *See Lawrence v. Lynch*, 826 F.3d 198, 206–07 (4th Cir. 2016); *Mosere v. Mukasey*, 552 F.3d 397, 398–99 (4th Cir. 2009). We therefore dismiss the petition for review in part. 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;
DISMISSED IN PART*