

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1032

LOLITO DE LA CRUZ BANANO,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney General,

Respondent.

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

Submitted: August 14, 2018

Decided: August 16, 2018

Before GREGORY, Chief Judge, and WILKINSON and AGEE, Circuit Judges.

Petition denied in part and dismissed in part by unpublished per curiam opinion.

Lolito De La Cruz Banano, Petitioner Pro Se. James A. Hurley, 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Unpublished opinions are not binding precedent in this circuit.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:

Lolito De La Cruz Banano, a native and citizen of the Philippines, petitions for review of an order of the Board of Immigration Appeals (Board) denying as untimely his motion to reopen. 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), (c)(2) (2018). We therefore deny the petition for review in part for the reasons stated by the Board, *see In re De la Cruz Banano* (B.I.A. Dec. 13, 2017), and deny as moot De La Cruz Banano's motion for stay of removal pending appeal.

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) (collecting cases). 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*