

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1702

SENY ANE,

Petitioner,

v.

MATTHEW G. WHITAKER, Acting Attorney General,

Respondent.

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

Submitted: December 12, 2018

Decided: January 3, 2019

Before NIEMEYER, DIAZ, and FLOYD, Circuit Judges.

Petition denied in part, dismissed in part by unpublished per curiam opinion.

Melissa J. Mitchell, LAW OFFICES OF PAUL A. SUHR, PLLC, Raleigh, North Carolina, for Petitioner. Joseph H. Hunt, Assistant Attorney General, Terri J. Scadron, Assistant Director, Greg D. Mack, Senior Litigation Counsel, 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Unpublished opinions are not binding precedent in this circuit.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:

Seny Ane, a native and citizen of Senegal, petitions for review of an order of the Board of Immigration Appeals (Board) denying his motion to reopen as untimely. 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 Ane* (B.I.A. May 29, 2018).

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,
DISMISSED IN PART*