

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 22-1111**

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SAMUEL JONATHAN ANTHONY, JR.,

Petitioner,

v.

MERRICK B. GARLAND, Attorney General,

Respondent.

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

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Submitted: November 22, 2022

Decided: December 8, 2022

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Before WYNN and HEYTENS, Circuit Judges, and KEENAN, Senior Circuit Judge.

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Denied in part, dismissed in part by unpublished per curiam opinion.

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**ON BRIEF:** Sarah T. Gillman, RAPID DEFENSE NETWORK, New York, New York, for Petitioner. Brian Boynton, Principal Deputy Assistant Attorney General, John S. Hogan, Assistant Director, Matthew A. Spurlock, Office of Immigration Litigation, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Samuel Anthony, Jr., a native and citizen of Sierra Leone, petitions for review of an order of the Board of Immigration Appeals (Board) denying his motion to reopen as untimely and declining to reopen sua sponte. Upon review, we find no abuse of discretion in the denial of Anthony's untimely motion. *See Mosere v. Mukasey*, 552 F.3d 397, 400 (4th Cir. 2009) (reviewing denial of motion to reopen as untimely for abuse of discretion). Further, we lack jurisdiction to review the Board's refusal to exercise its sua sponte authority to reopen. *See Lawrence v. Lynch*, 826 F.3d 198, 206 (4th Cir. 2016); *Mosere*, 552 F.3d at 400-01.

We therefore deny in part, and dismiss in part, Anthony's petition for review. *In re Anthony* (B.I.A. Jan. 11, 2022). 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*