

United States Court of Appeals
Fifth Circuit

FILED

August 13, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-60650
Summary Calendar

ROQUE ARANDA-TERCERO,

Petitioner,

versus

ALBERTO R. GONZALES, U. S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A27 116 578

Before WIENER, GARZA, and BENAVIDES, Circuit Judges,

PER CURIAM:*

Roque Aranda-Tercero (Aranda), a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' (BIA) decision dismissing Aranda's appeal from the immigration judge's denial of his motion to reopen. Aranda argues that the BIA abused its discretion by dismissing his motion to reopen as untimely.

For an alien whose order of deportation became final before March 22, 1999, a motion to reopen for the purpose of seeking protection under the Convention Against Torture (CAT) "shall not be granted" unless the motion to reopen was filed by June 21, 1999.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

8 C.F.R. 208.18(b)(2)(i). Aranda was ordered deported in April 1993. The motion to reopen at issue in this matter was filed in January 2005. The BIA thus did not abuse its discretion in dismissing Aranda's appeal to the extent that he sought reopening under § 208.18(b)(2). To the extent that Aranda argues that the BIA should have exercised its sua sponte authority to reopen his removal proceedings, we lack jurisdiction to review that decision. See Enriquez-Alvarado v. Ashcroft, 371 F.3d 246, 248-50 (5th Cir. 2004).

Aranda's PETITION FOR REVIEW is DENIED. All other OUTSTANDING MOTIONS are also DENIED.