

United States Court of Appeals
for the Fifth Circuit

No. 21-60174
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 1, 2022

Lyle W. Cayce
Clerk

SEGUNDO EMILIANO BERMEO-HERRERA,

Petitioner,

versus

MERRICK GARLAND, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A205 294 319

Before KING, COSTA, and HO, *Circuit Judges.*

PER CURIAM:*

Segundo Emiliano Bermeo-Herrera, a native and citizen of Ecuador, petitions for review of the Board of Immigration Appeals's (BIA) decision dismissing his appeal from the order of the Immigration Judge (IJ) denying his motion to reopen sua sponte. He argues that the BIA and IJ failed to give

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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proper consideration to his status as a special immigrant juvenile and that they thereby violated his due process rights.

We lack jurisdiction to review the denial of a motion to reopen sua sponte. *Gonzales-Cantu v. Sessions*, 866 F.3d 302, 306 & n.6 (5th Cir. 2017). Although we have jurisdiction to consider the due process argument, “no liberty interest exists in a motion to reopen,” and the argument is, therefore, not cognizable. *Mejia v. Whitaker*, 913 F.3d 482, 490 (5th Cir. 2019). Accordingly, the petition is DENIED IN PART AND DISMISSED IN PART.