

APR 18 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIA CARMEN CORONEL-ORTIZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 07-71946

Agency No. A078-535-463

MEMORANDUM*

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

Submitted April 17, 2012**

Before: LEAVY, PAEZ, and BEA, Circuit Judges.

Maria Carmen Coronel-Diaz, a native and citizen of Mexico, petitions for review of a decision of the Board of Immigration Appeals denying, as untimely and numerically-barred, her second motion to reopen removal proceedings. The

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

BIA declined to exercise its *sua sponte* authority to reopen under 8 C.F.R. § 1003.2(a).

Coronel-Diaz argues that the BIA should have *sua sponte* reopened removal proceedings, and should have excused her untimely and numerically-barred motion to reopen.

We lack jurisdiction to review the BIA's discretionary decision whether to exercise its *sua sponte* authority to reopen under § 8 C.F.R. § 1003.2(a). *See Ekimian v. INS*, 303 F.3d 1153, 1159-60 (9th Cir. 2002). Accordingly, we dismiss Coronel-Diaz's petition for lack of jurisdiction.

DISMISSED.