

DEC 16 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VEASNA KANG, AKA Veasna Sandy
Kang,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-71166

Agency No. A025-264-764

MEMORANDUM*

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

Submitted December 12, 2014**
San Francisco, California

Before: O’SCANNLAIN, N.R. SMITH, and HURWITZ, Circuit Judges.

Veasna Kang petitions for review of an order of the Board of Immigration Appeals dismissing her appeal from an immigration judge’s decision denying her

* 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).

motion to reopen proceedings and refusing to reopen proceedings sua sponte. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss the petition.

1. Kang has failed to exhaust her administrative remedies regarding any argument for equitable tolling of her time-barred motion to reopen, and we therefore lack jurisdiction to address this argument. *Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004).

2. The decision whether to reopen proceedings sua sponte is committed to agency discretion and not reviewable by this court. *Mejia-Hernandez v. Holder*, 633 F.3d 818, 823-24 (9th Cir. 2011).

DISMISSED.