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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GAREN SHAMEYAN,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-70987

Agency No. A045-639-232

MEMORANDUM*

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

Submitted December 8, 2016**
Pasadena, California

Before: CALLAHAN, BEA, and IKUTA, Circuit Judges.

Garen Shameyan, a native and citizen of Armenia, petitions for review of the Board of Immigration Appeals's (BIA) denial of his motion to reconsider and reopen.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

Shameyan’s only argument on appeal—that the BIA erred in not reopening his case in light of our decision in *Quintero-Salazar v. Keisler*, 506 F.3d 688 (9th Cir. 2007)—involves an exercise of the BIA’s *sua sponte* authority.¹ *See In re G–D–*, 22 I. & N. Dec. 1132, 1135 (BIA 1999). Shameyan does not claim that the BIA made any legal or constitutional error, *cf. Bonilla v. Lynch*, 840 F.3d 575, 588 (9th Cir. 2016), and we lack jurisdiction to review the BIA’s discretionary decision not to reopen proceedings *sua sponte*, *see Mejia–Hernandez v. Holder*, 633 F.3d 818, 823–24 (9th Cir. 2011).

PETITION DISMISSED.

¹ Shameyan waived his claims that the BIA erred in rejecting Dr. Jasmine Tehrani’s psychological evaluation, and that the BIA erred in reaffirming its prior decision denying equitable tolling. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259 (9th Cir. 1996).