

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 25 2022

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ELMER LOPEZ-ORDENAS, AKA Elmer
Lopez,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

Nos. 16-73740
17-72013
18-71921

Agency No. A070-155-265

MEMORANDUM*

On Petition for Review of Orders of the
Board of Immigration Appeals

Submitted November 15, 2022**

Before: CANBY, CALLAHAN, and BADE, Circuit Judges.

Elmer Lopez-Ordenas, a native and citizen of Guatemala, petitions pro se for review of the Board of Immigration Appeals' ("BIA") orders denying three motions to reopen removal proceedings. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to 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).

Najmabadi v. Holder, 597 F.3d 983, 986 (9th Cir. 2010). We deny in part and dismiss in part the petitions for review.

The BIA did not abuse its discretion in denying Lopez-Ordenas’s three motions to reopen where they were filed more than two years after the final reinstated order of removal, *see* 8 U.S.C. § 1229a(c)(7)(C)(i); where the second and third motions to reopen were numerically barred, *see* 8 U.S.C. § 1229a(c)(7)(A); and where Lopez-Ordenas failed to establish any exceptions to the time and number limitations, including changed conditions in Guatemala, *see* 8 U.S.C. § 1229a(c)(7)(C)(ii).

We lack jurisdiction to review the BIA’s denials of *sua sponte* reopening where Lopez-Ordenas has not asserted any legal or constitutional error. *See Bonilla v. Lynch*, 840 F.3d 575, 588 (9th Cir. 2016) (“[T]his court has jurisdiction to review Board decisions denying *sua sponte* reopening for the limited purpose of reviewing the reasoning behind the decisions for legal or constitutional error.”).

PETITIONS FOR REVIEW DENIED in part; DISMISSED in part.