

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 18 2019

FOR THE NINTH CIRCUIT

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

DAVID MORA-ZENDEJAS,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 17-70464

Agency No. A013-618-739

MEMORANDUM*

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

Submitted March 12, 2019**

Before: LEAVY, BEA, and N.R. SMITH, Circuit Judges.

David Mora-Zendejas, a native and citizen of Mexico and legal permanent resident, petitions for review of the Board of Immigration Appeals' decision dismissing his appeal from an immigration judge's order denying his motion to reopen deportation proceedings conducted in absentia. We dismiss the petition for

* 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).

review.

We lack jurisdiction to consider Mora-Zendejas's fact-based contentions regarding the agency's decision to deny reopening sua sponte, where he did not raise a legal or constitutional error that would invoke our jurisdiction. *See Bonilla v. Lynch*, 840 F.3d 575, 588 (9th Cir. 2016) (court can review BIA decisions denying sua sponte reopening only for the limited purpose of reviewing the reasoning behind the decision for legal or constitutional error).

PETITION FOR REVIEW DISMISSED.