

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 26 2019

FOR THE NINTH CIRCUIT

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

JOSE VINICIO-GONZALEZ, AKA
William Omar Benavides, AKA William
Omar Benevidas-Guevara,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 18-70548

Agency No. A098-433-075

MEMORANDUM*

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

Submitted August 19, 2019**

Before: SCHROEDER, PAEZ, and HURWITZ, Circuit Judges.

Jose Vinicio-Gonzalez, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") order denying his motion to reopen. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law.

* 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).

Mohammed v. Gonzales, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny in part and dismiss in part the petition for review.

Vinicio-Gonzalez's contention that remand is warranted under *Pereira v. Sessions*, 138 S. Ct. 2105 (2018), is foreclosed by *Karingithi v. Whitaker*, 913 F.3d 1158, 1160-62 (9th Cir. 2019) (initial notice to appear need not include time and date information to vest jurisdiction in the immigration court).

Vinicio-Gonzalez provides no authority to support his contention that the agency's own regulations required sua sponte reopening of his case in order to allow the IJ to inform him of potential eligibility for adjustment of status, or to allow him to apply for that relief. We lack further jurisdiction to review the BIA's discretionary sua sponte determination. *See Bonilla v. Lynch*, 840 F.3d 575, 588 (9th Cir. 2016) (the court's jurisdiction to review BIA decisions denying sua sponte reopening is limited to reviewing the reasoning behind the decisions for legal or constitutional error).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.