

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 18 2022

FOR THE NINTH CIRCUIT

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

JOSE ROLANDO BLANCO MARTINEZ,

No. 20-70381

Petitioner,

Agency No. A205-577-807

v.

MEMORANDUM*

MERRICK B. GARLAND, Attorney
General,

Respondent.

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

Submitted April 11, 2022**

Before: McKEOWN, CHRISTEN, and BRESS, Circuit Judges.

Jose Rolando Blanco Martinez, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reconsider or certify his appeal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to

* 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).

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

We lack jurisdiction to review the BIA's summary dismissal of Blanco Martinez's appeal where he did not file a petition for review of that order. *See* 8 U.S.C. § 1252(a)(5), (b).

The BIA did not abuse its discretion in denying Blanco Martinez's motion to reconsider where his motion failed to identify any error of fact or law in the BIA's prior decision summarily dismissing his appeal. *See* 8 C.F.R. § 1003.2(b)(1) (a motion to reconsider requires identification of factual or legal error in the prior decision).

We lack jurisdiction to review the BIA's decision not to certify Blanco Martinez's appeal. *See Idrees v. Barr*, 923 F.3d 539, 542–43 (9th Cir. 2019) (the BIA's discretionary decision not to certify petitioner's claim was committed to agency discretion and not subject to judicial review where no legal or constitutional error was asserted).

The temporary stay of removal remains in place until issuance of the mandate.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.