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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SANDRA LOURDES ROMAN-
ANGUIANO, a.k.a. Sandra L. Roman,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-71827

Agency No. A075-710-567

MEMORANDUM*

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

Submitted March 8, 2011**

Before: FARRIS, O’SCANNLAIN, and BYBEE, Circuit Judges.

Sandra Lourdes Roman-Anguiano, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to reopen. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, *Iturribarria v. INS*, 321 F.3d

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

889, 894 (9th Cir. 2003), and we deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion by denying Roman-Anguiano's second motion to reopen, which was filed over 90 days after the BIA's final order, as untimely and number-barred. *See* 8 C.F.R. § 1003.2(c)(2). To the extent that Roman-Anguiano challenges the BIA's decision not to invoke its sua sponte authority to reopen proceedings under 8 C.F.R. § 1003.2(a), we lack jurisdiction to review such a challenge. *See Ekimian v. INS*, 303 F.3d 1153, 1159-60 (9th Cir. 2002). If we had jurisdiction to review the BIA's decision, we would find no abuse of discretion.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.