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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SANDRA LOURDES ROMAN- ANGUIANO, a.k.a. Sandra L. Roman,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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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

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\* 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.**