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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>SOUGUECH HONG,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 09-71474

Agency No. A095-301-416

MEMORANDUM*

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

Submitted April 20, 2011**

Before: RYMER, THOMAS, and PAEZ, Circuit Judges.

Souguech Hong, a native and citizen of Cambodia, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to reopen removal proceedings. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss in part and deny in part the petition for review.

* 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).

We lack jurisdiction to review the BIA's decision not to invoke its sua sponte authority to reopen proceeding, *see Mejia-Hernandez v. Holder*, No. 07-74277, 2011 WL 240357 (9th Cir. Jan. 27, 2011). We also lack jurisdiction to review Hong's contention regarding equitable tolling because Hong failed to exhaust this issue before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

Finally, we lack jurisdiction to review the BIA's September 23, 2005, order denying Hong's underlying appeal because this petition for review is not timely as to that order. *See* 8 U.S.C. §1252(b)(1); *Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

Hong's remaining contention is unpersuasive.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.