

JUN 02 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PAVEL DOUDRENOV,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-72660

Agency No. A079-244-994

MEMORANDUM*

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

Submitted May 24, 2011**

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

Pavel Doudrenov, a native and citizen of Bulgaria, petitions for review of the Board of Immigration Appeals' summary affirmance of an immigration judge's ("IJ") decision denying his motion to reopen proceedings held in absentia. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the

* 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).

denial of a motion to reopen, *Singh v. INS*, 213 F.3d 1050, 1052 (9th Cir. 2000), and we deny in part and dismiss in part the petition for review.

The IJ did not abuse his discretion by denying Doudrenov's motion to reopen as untimely, where the motion was filed over seven years after Doudrenov's removal order, *see* 8 U.S.C. § 1229a(c)(7), and Doudrenov failed to allege that he did not receive proper notice or that his failure to appear at the hearing was through no fault of his own, *see* 8 U.S.C. § 1229a(b)(5)(C).

To the extent that Doudrenov challenges the IJ's decision not to invoke its sua sponte authority to reopen proceedings, we lack jurisdiction to review such a challenge. *See Mejia-Hernandez v. Holder*, 303 F.3d 1153, 823-24 (9th Cir. 2011).

PETITION FOR REVIEW DENIED, in part; DISMISSED, in part.