

SEP 14 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>EDRY YURY LOPEZ LOPEZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 11-73394

Agency No. A072-531-505

MEMORANDUM*

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

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

Edry Yury Lopez Lopez, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from an Immigration Judge's ("IJ") denial of her untimely motion to reopen her

* 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).

removal proceedings sua sponte. We review for abuse of discretion the denial of a motion to reopen, *Iturribarria v. INS*, 321 F.3d 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 upholding the IJ's denial of Lopez Lopez's motion to reopen where she filed the motion more than fourteen years after the IJ's February 22, 1996, decision, and did not assert that the filing deadline should be equitably tolled.

To the extent that Lopez Lopez challenges the agency'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*, 633 F.3d 818, 823–24 (9th Cir. 2011).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.