

JAN 16 2013

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MARIA DOLORES REYNOSO-
CISNEROS,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-70766

Agency No. A092-554-471

MEMORANDUM*

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

Submitted November 5, 2012**
Pasadena, California

Before: D.W. NELSON and O'SCANNLAIN, Circuit Judges, and GONZALEZ,
District Judge.***

* 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).

*** The Honorable Irma E. Gonzalez, District Judge for the U.S. District Court for Southern California, sitting by designation.

Maria Dolores Reynoso-Cisneros petitions for review of an order of the Board of Immigration Appeals (“BIA”) denying her motion to reopen immigration proceedings following a remand for consideration on the merits by this Court. *See Reynoso-Cisneros v. Gonzales*, 491 F.3d 1001 (9th Cir. 2007). “[W]e do not have jurisdiction to review [the] claim that the BIA should have exercised its *sua sponte* power” to grant Reynoso-Cisnero’s motion to reopen. *Ekimian v. INS*, 303 F.3d 1153, 1159 (9th Cir. 2002). “[B]ecause the decision of the BIA whether to invoke its *sua sponte* authority is committed to its unfettered discretion,” we dismiss for lack of jurisdiction. *Id.* (quoting *Luis v. INS*, 196 F.3d 36, 40 (1st Cir. 1999)) (emphasis omitted).

DISMISSED.