FILED

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ELGA LUCRECIA SACBA,	No. 12-70427
Petitioner,	Agency No. A070-785-726
v.	
ERIC H. HOLDER, Jr., Attorney General,	MEMORANDUM[*]
Respondent.	

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

Submitted August 14, 2013[**]

Before: SCHROEDER, GRABER, and PAEZ, Circuit Judges.

Elga Lucrecia Sacba, a native and citizen of Guatemala, 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 review

for abuse of discretion the denial of a motion to reopen. *Avagyan v. Holder*, 646

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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).

F.3d 672, 674 (9th Cir. 2011). We deny in part and dismiss in part the petition for review.

In her opening brief, Sacba fails to raise, and therefore has waived, any challenge to the BIA's determination that her motion to reopen was untimely and number-barred. *See Rizk v. Holder,* 629 F.3d 1083, 1091 n. 3 (9th Cir. 2011) (issues not raised in a petitioner's opening brief are deemed waived).

The BIA did not abuse its discretion in denying Sacba's motion to reopen based on changed country conditions where Sacba failed to supply any evidence of a material change in circumstances in Guatemala. *See* 8 C.F.R. § 1003.2(c)(3)(ii).

To the extent Sacba challenges the BIA's decision not to exercise its sua sponte authority to reopen proceedings, we lack jurisdiction to review that decision. *See Mejia-Hernandez v. Holder*, 633 F.3d 818, 823-24 (9th Cir. 2011).

In light of this disposition, we do not reach Sacba's contentions regarding her eligibility for asylum.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.