

AUG 15 2014

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

NOT FOR PUBLICATION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

MEIEN LI,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 13-71170

Agency No. A096-057-365

MEMORANDUM*

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

Submitted August 13, 2014**

Before: SCHROEDER, THOMAS, and HURWITZ, Circuit Judges.

Meien Li, a native and citizen of China, petitions for review of a Board of Immigration Appeals (“BIA”) order denying her motion to reopen. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, *Socop-Gonzalez v. INS*, 272 F.3d 1176, 1187 (9th

* 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).

Cir. 2001) (en banc), and we deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying Li's motion to reopen as untimely where the motion was filed more than three years after the BIA's final order of removal, *see* 8 C.F.R. § 1003.2(c)(2), and she has not demonstrated that an exception to the time limitations on motions applies, *see id*; *Socop-Gonzalez*, 272 F.3d at 1193. Contrary to Li's contention, the BIA adequately addressed her contentions regarding the impact recent BIA decisions had on her eligibility for relief under INA § 237(a)(1)(H). *See Najmabadi v. Holder*, 597 F.3d 983, 990 (9th Cir. 2010) (the BIA "must consider the issues raised, and announce its decision in terms sufficient to enable a reviewing court to perceive that it has heard and thought and not merely reacted").

We lack jurisdiction to consider the BIA's discretionary decision not to reopen sua sponte pursuant to 8 C.F.R. § 1003.2(a). *See Mejia-Hernandez v. Holder*, 633 F.3d 818, 823-24 (9th Cir. 2011); *see also Matter of G-D-*, 22 I. & N. Dec. 1132, 1135 (BIA 1999) (BIA's consideration of whether a fundamental change in the law warrants reopening involves an exercise of its sua sponte authority).

In light of this disposition, we need not reach Li's remaining contentions.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.