

APR 14 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE SERAPHINE NUNEZ-SOSA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 13-72941

Agency No. A098-004-994

MEMORANDUM*

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

Submitted April 7, 2015**

Before: FISHER, TALLMAN, and NGUYEN, Circuit Judges.

Jose Seraphine Nunez-Sosa, a native and citizen of El Salvador, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. Our jurisdiction is governed by 8 U.S.C.

* 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).

§ 1252. We review for abuse of discretion the denial of a motion to reopen.

Mohammed v. Gonzales, 400 F.3d 785, 791 (9th Cir. 2005). We deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying Nunez-Sosa's motion to reopen as untimely, where Nunez-Sosa filed the motion more than two years after his order of removal became final, *see* 8 C.F.R. § 1003.2(c)(2) (a motion to reopen must be filed within 90 days of a final order of removal), and he does not dispute that his motion was untimely or invoke any regulatory exception to the motions deadline, *see* 8 C.F.R. § 1003.2(c)(3).

We lack jurisdiction to review the BIA's decision not to exercise its sua sponte authority to reopen removal proceedings, *see Mejia-Hernandez v. Holder*, 633 F.3d 818, 823-24 (9th Cir. 2011), and Nunez-Sosa's request for prosecutorial discretion, *see Vilchiz-Soto v. Holder*, 688 F.3d 642, 644 (9th Cir. 2012) (order).

Nunez-Sosa's contention that the BIA violated his due process rights by failing to consider all of his claims is not supported by the record.

Finally, we deny Nunez-Sosa's renewed request for a stay of removal and his request for remand. *See Vilchiz-Soto*, 688 F.3d at 644.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.