

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 25 2015

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

CHARLES MCBARANGO,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 12-73176

Agency No. A077-966-532

MEMORANDUM\*

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

Submitted September 21, 2015\*\*

Before: REINHARDT, LEAVY, and BERZON, Circuit Judges.

Charles McBarango, a native and citizen of Nigeria, petitions 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. § 1252. We review for abuse of discretion the denial of a motion to reopen. *Mohammed v. Gonzales*,

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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).

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 McBarango's second motion to reopen, filed five years after his order of removal became final, as time- and number-barred. *See* 8 C.F.R. § 1003.2(c)(2).

Contrary to McBarango's contention, the BIA provided a reasoned explanation for denial. *See Najmabadi v. Holder*, 597 F.3d 983, 990 (9th Cir. 2010).

We lack jurisdiction to review the BIA's decision not to reopen proceedings sua sponte. *See Go v. Holder*, 744 F.3d 604, 609-10 (9th Cir. 2014).

Because these determinations are dispositive, we do not reach McBarango's contentions regarding his eligibility for adjustment of status.

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**