

SEP 25 2015

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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE ALONSO MARTINEZ-MEZA,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 12-73177

Agency No. A088-751-155

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.

Jose Alonso Martinez-Meza, a native and citizen of Mexico, 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.*

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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).

*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 Martinez-Meza’s motion to reopen as untimely, where he filed the motion more than one year 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 failed to establish that he warranted an exception to the filing deadline, *see* 8 C.F.R. § 1003.2(c)(3)(ii) (90-day deadline does not apply when alien seeks to apply for asylum and related relief based on “changed circumstances arising in the country of nationality”).

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).

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