

APR 18 2017

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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUN CUI, AKA Jun Cui Riih, AKA Jun  
Cui Semen,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney  
General,

Respondent.

No. 15-72905

Agency No. A203-217-433

MEMORANDUM\*

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

Submitted April 11, 2017\*\*

Before: GOULD, CLIFTON, and HURWITZ, Circuit Judges.

Jun Cui, a native and citizen of China, petitions for review of the 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

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

denial of a motion to reopen. *Granados-Oseguera v. Mukasey*, 546 F.3d 1011, 1014 (9th Cir. 2008). We deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying Cui's motion to reopen, where she failed to depart the United States during her voluntary departure period and was therefore statutorily ineligible for the relief requested. *See* 8 U.S.C. § 1229c(d)(1)(B) (imposing a ten-year bar to certain forms of relief, including adjustment of status, for aliens who fail to depart within the time period specified); *Granados-Oseguera*, 546 F.3d at 1015-16 (when a petitioner files a motion to reopen after the expiration of the voluntary departure period, the BIA is compelled to deny the motion based on the petitioner's failure to depart where the ten-year bar applies to the relief sought).

We lack jurisdiction to consider Cui's challenge to the BIA's March 9, 2015, dismissal of her appeal because this petition is not timely as to that order. *See* 8 U.S.C. § 1252(b)(1).

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