

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 20 2018

FOR THE NINTH CIRCUIT

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

EDUARDO MIZAEAL PANTALEON-SIERRA,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney  
General,

Respondent.

No. 16-71285

Agency No. A042-344-990

MEMORANDUM\*

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

Submitted March 13, 2018\*\*

Before: LEAVY, M. SMITH, and CHRISTEN, Circuit Judges.

Eduardo Mizaal Pantaleon-Sierra, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his motion to reopen. We dismiss the petition for review.

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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).

Our jurisdiction to review the agency's decision denying sua sponte reopening is limited to reviewing for error its legal or constitutional basis. *Bonilla v. Lynch*, 840 F.3d 575, 588 (9th Cir. 2016). Pantaleon-Sierra's contention that the agency did not address his due process claims is not supported, and thus does not raise a colorable legal or constitutional claim to invoke jurisdiction. *See id.*; *INS v. Abudu*, 485 U.S. 94, 105 (1988) (in motion to reopen cases in which the ultimate grant of relief is discretionary the BIA can determine that, even considering the newly proffered evidence, the movant would not be entitled to the discretionary grant of relief).

**PETITION FOR REVIEW DISMISSED.**