

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 13 2018

FOR THE NINTH CIRCUIT

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

MIGUEL GOMEZ-CERVANTES,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

Nos. 14-70917
14-72522

Agency No. A072-158-261

MEMORANDUM*

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

Submitted April 11, 2018**

Before: SILVERMAN, PAEZ, and OWENS, Circuit Judges.

In these consolidated petitions for review, Miguel Gomez-Cervantes, a native and citizen of Mexico, petitions for review of both an immigration judge's ("IJ") order denying his motion to reopen reasonable fear proceedings, and the

* 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).

Board of Immigration Appeals' order dismissing his appeal from the IJ's order. Our jurisdiction is governed by 8 U.S.C. § 1252. We deny in part and dismiss in part the petitions for review.

Gomez-Cervantes does not raise in his opening brief, and has therefore waived, any challenge to the agency's grounds for denial of his motion to reopen. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013) (issues not specifically raised and argued in an opening brief are waived). We do not consider Gomez-Cervantes' contentions in his reply brief regarding the motion to reopen. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259 (9th Cir. 1996) ("It is well established in this circuit that [t]he general rule is that appellants cannot raise a new issue for the first time in their reply briefs." (citation and internal quotation marks omitted, alteration in original)).

We lack jurisdiction to consider Gomez-Cervantes' contentions regarding whether his reinstatement order is valid, where this petition is not timely as to that order. *See* 8 U.S.C. § 1252(b)(1); *Ortiz-Alfaro v. Holder*, 694 F.3d 955, 958-59 (9th Cir. 2012).

PETITIONS FOR REVIEW DENIED in part; DISMISSED in part.