

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 22 2018

FOR THE NINTH CIRCUIT

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

BRYANT ESCOBAR, AKA Brayan Otoniel
Escobar, AKA Ramos Escobar,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 13-72055

Agency No. A095-023-071

MEMORANDUM*

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

Submitted May 15, 2018**

Before: SILVERMAN, BEA, and WATFORD, Circuit Judges.

Bryant Escobar petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to reopen removal proceedings and reconsider the BIA’s dismissal of his appeal from an immigration judge’s (“IJ”) denial of his motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. §

* 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).

1252. We review for abuse of discretion the BIA's denial of a motion to reconsider or reopen, *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002), and we deny the petition for review.

We lack jurisdiction to review any challenge Escobar raises to the BIA's January 30, 2013, order dismissing his appeal from an IJ's denial of his first motion to reopen because Escobar's petition for review was not timely as to that order. *See Stone v. INS*, 514 U.S. 386, 405 (1995).

The BIA did not abuse its discretion by denying Escobar's motion to reconsider where Escobar failed to identify any error of fact or law in the BIA's prior order. *See* 8 C.F.R. § 1003.2(b)(1) (a motion to reconsider must specify errors of fact or law in a prior decision); *Ma v. Ashcroft*, 361 F.3d 553, 558 (9th Cir. 2004).

In his opening brief, Escobar does not raise any arguments challenging the BIA's May 10, 2013, denial of his second motion to reopen. *See Corro-Barragan v. Holder*, 718 F.3d 1174, 1177 n.5 (9th Cir. 2013) (failure to contest issue in opening brief resulted in waiver).

Finally, we deny Escobar's request for fees under the Equal Access to Justice Act.

PETITION FOR REVIEW DENIED.