

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 18 2018

FOR THE NINTH CIRCUIT

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

WALTER LOPEZ-NAVARRO,

No. 16-72459

Petitioner,

Agency No. A092-358-227

v.

MEMORANDUM*

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

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

Submitted June 12, 2018**

Before: RAWLINSON, CLIFTON, and NGUYEN, Circuit Judges

Walter Lopez-Navarro, a native and citizen of Argentina, 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. *Najmabadi v.*

* 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).

Holder, 597 F.3d 983, 986 (9th Cir. 2010). We deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying Lopez-Navarro's third motion to reopen as untimely and number-barred where the motion was filed more than three years after the BIA's final order, *see* 8 C.F.R. § 1003.2(c)(2), and where he failed to establish any of the regulatory exceptions to the time and number limitations for filing a motion to reopen, *see* 8 C.F.R. § 1003.2(c)(3).

We lack jurisdiction to review Lopez-Navarro's challenge to the BIA's decision not to reopen *sua sponte* where he fails to establish any legal or constitutional errors behind the decision. *See Bonilla v. Lynch*, 840 F.3d 575, 588 (9th Cir. 2016) (“[T]his court has jurisdiction to review Board decisions denying *sua sponte* reopening for the limited purpose of reviewing the reasoning behind the decisions for legal or constitutional error.”).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.