

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 23 2018

FOR THE NINTH CIRCUIT

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

ABDELRAHMAN AAA BASEET, AKA
Abdel Rahman Baseet,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 16-70553

Agency No. A078-007-195

MEMORANDUM*

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

Submitted August 15, 2018**

Before: FARRIS, BYBEE, and N.R. SMITH, Circuit Judges.

Abdelrahman AAA Baseet, a native of Saudi Arabia and a citizen of Jordan, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. Our jurisdiction is governed by

* 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).

8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, and review de novo questions of law. *Najmabadi v. 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 err or abuse its discretion in denying Baseet’s motion to reopen as untimely, where he filed the motion more than six years after his final order of removal, and did not show the motion was subject to any exceptions to the filing deadline. *See* 8 C.F.R. § 1003.2(c)(2), (3).

We lack jurisdiction to review the BIA’s decision not to reopen proceedings *sua sponte* because Baseet’s contentions do not amount to a claim of legal or constitutional error. *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.”).

In light of our disposition, we do not reach Baseet’s contentions regarding eligibility for relief.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.