

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 15 2023

FOR THE NINTH CIRCUIT

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

JOSE MARIA DELGADILLO-MEJIA,

No. 21-1201

Petitioner,

Agency No. A205-467-286

v.

MEMORANDUM*

MERRICK B. GARLAND, Attorney
General,

Respondent.

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

Submitted May 11, 2023**
San Francisco, California

Before: MURGUIA, Chief Judge, and FRIEDLAND and BENNETT, Circuit
Judges.

Jose Maria Delgadillo-Mejia petitions for review of a Board of
Immigration Appeals (“BIA”) order refusing to sua sponte reopen his removal
proceedings. “When the BIA denies *sua sponte* reopening . . . as a matter of
discretion, we lack jurisdiction to review that decision, although we retain
jurisdiction to review the denial of *sua sponte* reopening for ‘legal or

* 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).

constitutional error.’’ *Rubalcaba v. Garland*, 998 F.3d 1031, 1035 (9th Cir. 2021) (quoting *Lona v. Barr*, 958 F.3d 1225, 1229 (9th Cir. 2020)).

Delgadillo-Mejia argues only that the BIA legally erred by determining that the Notice to Appear (“NTA”), which omitted the time and location information required under 8 U.S.C. § 1229(a)(1)(G)(i), did not deprive the immigration judge of jurisdiction over his removal proceedings. This argument is foreclosed by *United States v. Bastide-Hernandez*, 39 F.4th 1187, 1191–92 (9th Cir. 2022) (en banc) (holding that an NTA’s failure to comply with the requirements under § 1229(a)(1)(G)(i) does not deprive the immigration court of jurisdiction), *cert. denied*, No. 22-6281, 2023 WL 350056 (U.S. Jan. 23, 2023).

PETITION DENIED.