

JAN 28 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHRISTIAN NDUBNMA NWANKO,  
aka Christian Iruka Onwudi,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 05-77022

Agency No. A27-123-802

MEMORANDUM\*

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

Submitted January 14, 2008\*\*

Before: HALL, O'SCANNLAIN and PAEZ, Circuit Judges.

Christian Ndubnma Nwanko, a native and citizen of Nigeria, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

reconsider the BIA's previous order denying his motion to reopen. To the extent we have jurisdiction, it is pursuant to 8 U.S.C. § 1252. We review the BIA's denial of a motion to reconsider for abuse of discretion, *Oh v. Gonzales*, 406 F.3d 611, 612 (9th Cir. 2005), and we deny in part and dismiss in part the petition for review

The BIA did not abuse its discretion in denying Nwanko's motion to reconsider as untimely when it was filed more than 30 days after the BIA's final order of removal. *See* 8 C.F.R. § 1003.2(b)(2).

We lack jurisdiction to review the BIA's decision not to invoke its sua sponte authority to reopen proceedings. *See Ekimian v. INS*, 303 F.3d 1153, 1159 (9th Cir. 2002).

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**