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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIA LUZ ARIAS; et al.,</p> <p style="text-align: center;">Petitioners,</p> <p>v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 07-71367

Agency Nos. A075-724-476  
A075-724-477  
A075-724-478

MEMORANDUM \*

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

Submitted January 13, 2009\*\*

Before: O’SANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

Maria Luz Arias, Luis Mariano Dominguez-Arias, and Miriam Xochitl

Dominguez-Arias, natives and citizens of Mexico, petition for review of the Board  
of Immigration Appeals’ (“BIA”) order denying their motion to reopen removal

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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).

proceedings. Our jurisdiction is governed by 8 U.S.C. § 1252. Reviewing for abuse of discretion, *Perez v. Mukasey*, 516 F.3d 770, 773 (9th Cir. 2008), we deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying Petitioners' motion to reopen as untimely because the motion was filed more than 30 months after the BIA's April 16, 2004 orders dismissing Petitioners' underlying appeal. *See* 8 C.F.R. § 1003.2(c)(2).

We lack jurisdiction to review the BIA's decision not to invoke its sua sponte authority to reopen proceedings under 8 C.F.R. § 1003.2(a). *See Ekimian v. INS*, 303 F.3d 1153, 1159 (9th Cir. 2002).

In light of our disposition, we do not reach Petitioners' remaining contentions.

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