

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-1740**

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JENNIFER YAWA SEDODO SMITH,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A28-068-154)

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Submitted: December 13, 2004

Decided: January 25, 2005

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Before MICHAEL, GREGORY, and DUNCAN, Circuit Judges.

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Petition dismissed by unpublished per curiam opinion.

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Marc Seguinot, SEGUINOT LAW FIRM, McLean, Virginia, for Petitioner.  
Peter D. Keiser, Assistant Attorney General, Ernesto H. Molina, Jr., Senior Litigation Counsel, Barry J. Pettinato, Senior Litigation Counsel, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Jennifer Yawa Sedodo Smith, a native and citizen of Ghana, petitions this court for review of an order of the Board of Immigration Appeals (Board) denying her motion to reopen deportation proceedings. Though she does not dispute the Board's finding that her motion to reopen was untimely filed, Smith contends that the Board abused its discretion in failing to employ its sua sponte authority to grant the motion to reopen. We find that we lack jurisdiction to review this claim. See Calle-Vujiles v. Ashcroft, 320 F.3d 472, 474-75 (3d Cir. 2003); Ekimian v. INS, 303 F.3d 1153, 1159 (9th Cir. 2002); Luis v. INS, 196 F.3d 36, 40-41 (1st Cir. 1999).

Smith also contends that the Board violated her right to due process when it granted her voluntary departure pursuant to its order of January 11, 2001, but failed to advise her of the consequences of failure to depart. In addition, she asserts that the Board exceeded its authority in granting her voluntary departure pursuant to the same order. As the January 11, 2001 order is not before us in this appeal, we lack jurisdiction over these claims as well. See Stone v. INS, 514 U.S. 386, 394, 405-06 (1995).

We accordingly dismiss the petition for review. We dispense with oral argument because the facts and legal contentions

are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DISMISSED