

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-1817**

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SERAFIN ZURITA-ESPINOZA, a/k/a Zurita Serafin Espinoza,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

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Submitted: March 19, 2014

Decided: April 4, 2014

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Before NIEMEYER, MOTZ, and THACKER, Circuit Judges.

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Petition denied in part and dismissed in part by unpublished per curiam opinion.

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Ronald D. Richey, LAW OFFICE OF RONALD D. RICHEY, Rockville, Maryland, for Petitioner. Stuart F. Delery, Assistant Attorney General, David V. Bernal, Assistant Director, Liza S. Murcia, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Serafin Zurita-Espinoza, a native and citizen of Mexico, petitions for review of an order of the Board of Immigration Appeals (Board) dismissing his appeal of the Immigration Judge's (IJ) decision denying his motion to reopen as untimely. We have reviewed the administrative record and find no abuse of discretion in the denial of relief on Zurita-Espinoza's motion. See 8 C.F.R. § 1003.23(b)(1) (2013). We therefore deny the petition for review in part for the reasons stated by the Board. See In re: Zurita-Espinoza, (B.I.A. May 31, 2013). We further find that we lack jurisdiction to review Zurita-Espinoza's claim that the Board erred in upholding the IJ's refusal to invoke the immigration court's sua sponte power to reopen his proceedings. See Mosere v. Mukasey, 552 F.3d 397, 400-01 (4th Cir. 2009).

Accordingly, we deny in part and dismiss in part the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED IN PART  
AND DISMISSED IN PART