

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1436

CONSUELO JANETH BERTOTTY GUTIERREZ,

Petitioner,

v.

LORETTA E. LYNCH, United States Attorney General,

Respondent.

No. 15-1990

CONSUELO JANETH BERTOTTY GUTIERREZ,

Petitioner,

v.

LORETTA E. LYNCH, United States Attorney General,

Respondent.

On Petitions for Review of Orders of the Board of Immigration
Appeals

Submitted: April 20, 2016

Decided: July 21, 2016

Before KING, SHEDD, and DIAZ, Circuit Judges.

Dismissed in part, denied in part by unpublished per curiam opinion.

W. Rob Heroy, GOODMAN, CARR PLLC, Charlotte, North Carolina, for Petitioner. Benjamin C. Mizer, Principal Deputy Assistant Attorney General, Cindy S. Ferrier, Assistant Director, Lindsay M. Murphy, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Consuelo Janeth Bertotty Gutierrez, a native and citizen of Honduras, petitions for review of orders of the Board of Immigration Appeals dismissing her appeal from the Immigration Judge's denial of her requests for asylum and withholding of removal, and denying her motion to reopen.

Gutierrez first challenges the agency's determination that her asylum application is time-barred and that no exceptions applied to excuse the untimeliness. See 8 U.S.C. § 1158(a)(2)(B), (D); 8 C.F.R. § 1208.4(a)(2). We lack jurisdiction to review this determination pursuant to 8 U.S.C. § 1158(a)(3), and find that Gutierrez has not raised any claims that would fall under the exception set forth in 8 U.S.C. § 1252(a)(2)(D). See Gomis v. Holder, 571 F.3d 353, 358-59 (4th Cir. 2009). Accordingly, we dismiss the petition for review with respect to the asylum claim.

Gutierrez next challenges the conclusion that she failed to establish eligibility for withholding of removal. We have thoroughly reviewed the record and conclude that substantial evidence supports the agency's determination that Gutierrez failed to sustain her burden of proof. Id. at 359. Accordingly, we deny the petition for review on the question of Gutierrez's eligibility for withholding of removal.

Finally, we find that the Board did not abuse its discretion in denying Gutierrez's motion to reopen. Mosere v. Mukasey, 552 F.3d 397, 400 (4th Cir. 2009). We therefore deny the petition for review of that order.

In sum, we dismiss in part and deny in part the petitions 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.

DISMISSED IN PART;
DENIED IN PART