

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-1377

ZHAO LIN CHEN,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

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

Submitted: August 7, 2019

Decided: September 10, 2019

Before GREGORY, Chief Judge, and MOTZ and AGEE, Circuit Judges.

Petition dismissed in part and denied in part by unpublished per curiam opinion.

Zhao Lin Chen, Petitioner Pro Se. Jennifer R. Khouri, Office of Immigration Litigation,
UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Zhao Lin Chen, a native and citizen of the People's Republic of China, petitions for review of an order of the Board of Immigration Appeals (Board) denying Chen's motion to reopen. We dismiss in part and deny in part the petition for review.

We conclude that the Board did not abuse its discretion in denying Chen equitable tolling on the basis that he was not reasonably diligent in pursuing his ineffective assistance of counsel claim. We further conclude that because Chen did not file a new asylum application with his motion to reopen, the Board did not abuse its discretion by denying reopening based on changed circumstances in China. *See Mosere v. Mukasey*, 552 F.3d 397, 400 (4th Cir. 2009) (stating standard of review). Accordingly, we deny in part the petition for review. Lastly, we are without jurisdiction to review the Board's decision denying sua sponte reopening, and dismiss in part the petition for review. *See Lawrence v. Lynch*, 826 F.3d 198, 206 (4th Cir. 2016); *Mosere*, 552 F.3d 397, 400-01 (4th Cir. 2009).

We dismiss in part and deny 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 DISMISSED IN PART,
DENIED IN PART*