

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 07-2163

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HENRI THOKA; THERESE DJUNKEU; I.C.P.T.,

Petitioners,

v.

MICHAEL B. MUKASEY, United States 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: July 14, 2008

Decided: September 5, 2008

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Before NIEMEYER, MOTZ, and DUNCAN, Circuit Judges.

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Petition dismissed by unpublished per curiam opinion.

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Ronald D. Richey, LAW OFFICE OF RONALD D. RICHEY, Rockville, Maryland, for Petitioners. Gregory G. Katsas, Acting Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Mona Maria Yousif, 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Unpublished opinions are not binding precedent in this circuit.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:

Henri Thoka, Therese Djunkeu, and daughter, I.C.P.T., all natives and citizens of Cameroon, petition for review of an order of the Board of Immigration Appeals (Board) denying their motion for the Board to exercise its discretion to sua sponte reconsider the denial of their motion to reopen. It is undisputed that Petitioners did not file a timely motion to reconsider. See 8 C.F.R. § 1003.2(b)(2). However, under 8 C.F.R. § 1003.2(a), the Board has authority sua sponte to reconsider a case in which it issued a final decision, and Petitioners moved for the Board to exercise this discretionary authority. We have reviewed the record and conclude that we lack jurisdiction to review Petitioners' claim that the Board should have exercised its discretionary authority to reconsider sua sponte. See Tamenut v. Mukasey, 521 F.3d 1000, 1004 (8th Cir. 2008) (en banc); Zhao Quan Chen v. Gonzales, 492 F.3d 153, 155 (2d Cir. 2007); Malty v. Ashcroft, 381 F.3d 942, 945 n.1 (9th Cir. 2004); Harchenko v. INS, 379 F.3d 405, 410-11 (6th Cir. 2004); Enriquez-Alvarado v. Ashcroft, 371 F.3d 246, 249-50 (5th Cir. 2004); Belay-Gebbru v. INS, 327 F.3d 998, 1000-01 (10th Cir. 2003); Calle-Vujiles v. Ashcroft, 320 F.3d 472, 474-75 (3d Cir. 2003); Luis v. INS, 196 F.3d 36, 40-41 (1st Cir. 1999).

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