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U.S. COURT OF APPEALS

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| VEASNA KANG, AKA Veasna Sandy Kang,<br><br>Petitioner,<br><br>v.<br><br>ERIC H. HOLDER, Jr., Attorney General,<br><br>Respondent. | No. 11-71166<br><br>Agency No. A025-264-764<br><br>MEMORANDUM[*] |

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

Submitted December 12, 2014[**]
San Francisco, California

Before: O'SCANNLAIN, N.R. SMITH, and HURWITZ, Circuit Judges.

Veasna Kang petitions for review of an order of the Board of Immigration Appeals dismissing her appeal from an immigration judge's decision denying her

[*] This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

[**] The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

motion to reopen proceedings and refusing to reopen proceedings sua sponte. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss the petition.

**1.** Kang has failed to exhaust her administrative remedies regarding any argument for equitable tolling of her time-barred motion to reopen, and we therefore lack jurisdiction to address this argument. *Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004).

**2.** The decision whether to reopen proceedings sua sponte is committed to agency discretion and not reviewable by this court. *Mejia-Hernandez v. Holder*, 633 F.3d 818, 823-24 (9th Cir. 2011).

**DISMISSED.**