

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-1419**

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LLOYD GEORGE MAXWELL,

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: August 30, 2010

Decided: October 5, 2010

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Before WILKINSON, SHEDD, and DUNCAN, Circuit Judges.

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Petition denied in part and dismissed in part by unpublished per curiam opinion.

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Lloyd George Maxwell, Petitioner Pro Se. Daniel Eric Goldman, Senior Litigation Counsel, Eric Warren Marsteller, 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Unpublished opinions are not binding precedent in this circuit.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:

Lloyd George Maxwell, a native and citizen of Jamaica, petitions for review of an order of the Board of Immigration Appeals ("Board") denying his motion to reopen proceedings. We have reviewed the administrative record and the Board's order and find that the Board did not abuse its discretion in denying the motion to reopen as untimely. See 8 C.F.R. § 1003.2(c)(2) (2010). We therefore deny the petition for review in part for the reasons stated by the Board. See In re: Maxwell (B.I.A. Mar. 23, 2010). We lack jurisdiction to review the Board's refusal to exercise its sua sponte authority to reopen and therefore dismiss this portion of the petition for review. See Mosere v. Mukasey, 552 F.3d 397, 400-01 (4th Cir.), cert. denied, 130 S. Ct. 137 (2009).

Accordingly, we deny in part and dismiss in part the petition for review. We deny Maxwell's motion for stay of removal. 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 DENIED IN PART  
AND DISMISSED IN PART