

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 18-60138
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 29, 2019

Lyle W. Cayce
Clerk

TOAN ANH TRAN,

Petitioner

v.

MATTHEW G. WHITAKER, ACTING U. S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A017 025 258

Before HIGGINBOTHAM, ELROD, and DUNCAN, Circuit Judges.

PER CURIAM:*

Toan Anh Tran, a native and citizen of Vietnam, petitions for review of the order of the Board of Immigration Appeals (BIA) declining to exercise its sua sponte authority to reopen his 1997 removal proceedings. It is well settled that we have no jurisdiction to review the BIA's wholly discretionary exercise of its sua sponte authority to reopen removal hearings. *See Lopez-Dubon v. Holder*, 609 F.3d 642, 647 (5th Cir. 2010); *Enriquez-Alvarado v. Ashcroft*, 371

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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F.3d 246, 250 (5th Cir. 2004). Tran cites no contrary Fifth Circuit authority, and his reliance on *Mata v. Lynch*, 135 S. Ct. 2150 (2015), is misplaced because *Mata* did not disturb our prior holdings. *See id.* at 2155 (assuming, arguendo, lack of jurisdiction to review BIA's exercise of its sua sponte discretion and declining to revisit *Enriquez-Alvarado*).

Accordingly, we DISMISS the petition for review for lack of jurisdiction.