

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 4, 2024

Lyle W. Cayce
Clerk

No. 23-60314
Summary Calendar

SOELI DE ALMEIDA FEITOSA,

Petitioner,

versus

MERRICK GARLAND, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A096 191 845

Before HIGGINBOTHAM, STEWART, and SOUTHWICK, *Circuit Judges.*

PER CURIAM:*

Soeli De Almeida Feitosa, a native and citizen of Brazil, petitions this court for review of an order of the Board of Immigration Appeals denying her second motion to reopen and denying her request for sua sponte reopening.

Aside from an exception inapplicable in the instant case, an alien may file only one motion to reopen. 8 U.S.C. § 1229a(c)(7)(A),(C)(iv); 8 C.F.R.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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§ 1003.23(b)(4)(ii); *see Dije v. Garland*, 39 F.4th 280, 283 (5th Cir. 2022). (“The INA first lays out the number bar: Petitioners generally get one and only one motion to reopen. Then the statute creates one and only one exception.”) (internal citation omitted). Petitioner does not claim she is eligible for the statutory exception. *See* 8 U.S.C. § 1229a(c)(iv). Consequently, insofar as Feitosa petitions for review of the denial of her second motion to reopen, the petition is DENIED because the motion was number barred. *See Dije*, 39 F.4th at 283.

The decision whether to reopen proceedings sua sponte is a discretionary one that this court lacks jurisdiction to review. *Qorane v. Barr*, 919 F.3d 904, 911-12 (5th Cir. 2019). Consequently, insofar as Feitosa petitions for review of the BIA’s decision not to sua sponte reopen her proceedings, the petition is DISMISSED. *See id.*