

United States Court of Appeals
for the Fifth Circuit

No. 22-60432
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
March 3, 2023
Lyle W. Cayce
Clerk

ARTURO ALFREDO AGUILAR-MOLINA,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A098 934 370

Before STEWART, DUNCAN, and WILSON, *Circuit Judges.*

PER CURIAM:*

Arturo Alfredo Aguilar-Molina, a native and citizen of Honduras, petitions this court for review of an order of the Board of Immigration Appeals denying his second motion to reopen and denying his request for sua sponte reopening.

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

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With one exception inapplicable here, an alien may file only one motion to reopen. 8 C.F.R. § 1003.23(b)(4)(ii); 8 U.S.C. § 1229a(c)(7)(A), (C)(iv); *see Dije v. Garland*, 39 F.4th 280, 283–88 & n.2 (5th Cir. 2022). When a motion to reopen is number-barred, the resulting petition for review “must be denied,” even assuming *arguendo* that the arguments raised therein are meritorious. *See Dije*, 39 F.4th at 287–88. Consequently, insofar as Aguilar-Molina petitions for review of the denial of his second motion to reopen, the petition is DENIED because the motion was barred. *See id.* at 287–88.

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 Aguilar-Molina petitions for review of the BIA’s decision not to reopen his proceedings sua sponte, the petition is DISMISSED. *See id.* at 911–12.