

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-11859
Non-Argument Calendar

Agency No. A201-076-327

EDUARDO FERNANDO BRACAMONTE-VERASTEGUI,

Petitioner,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of a Decision of the
Board of Immigration Appeals

(February 14, 2019)

Before MARTIN, JORDAN, and NEWSOM, Circuit Judges.

PER CURIAM:

Eduardo F. Bracamonte-Verastegui, a Bolivian citizen, petitions this court to review the Board of Immigration Appeals' order denying his motion to *sua sponte* reopen the proceedings on his application for cancellation of removal. Mr. Bracamonte-Verastegui argues that the BIA denied him due process by failing to reopen the proceedings to reconsider the Immigration Judge's conclusion that removing him to Bolivia would not cause exceptional and extremely unusual hardship to his son. After reviewing the record and the parties' briefs, we dismiss the petition for lack of jurisdiction.

We have declined to review the issues presented by Mr. Bracamonte-Verastegui's petition twice before. In 2015, we concluded that we did not have jurisdiction to review the BIA's order concerning whether Mr. Bracamonte-Verastegui's son would experience exceptional and extremely unusual hardship. *See Bracamonte-Verastegui v. U.S. Atty. Gen.*, No. 14-14293, slip op. at 2–3 (11th Cir. May 13, 2015) (unpublished). We reasoned that the BIA's hardship determination involved a form of discretionary relief which we cannot review. *See Alhuay v. U.S. Atty. Gen.*, 661 F.3d 534, 549 (11th Cir. 2011) (per curiam) (concluding that we lack jurisdiction to review BIA orders denying discretionary relief, such as cancellations of removal); *Alvarez Acosta v. U.S. Atty. Gen.*, 524 F.3d 1191, 1196–97 (11th Cir. 2008) (same). For the same reason, in 2017, we concluded that we did not have jurisdiction to review the BIA's order denying Mr. Bracamonte-Verastegui's earlier

motion to *sua sponte* reopen his removal proceedings. *See Bracamonte-Verastegui v. U.S. Atty. Gen.*, No. 16-10339, slip op. at 3–4 (11th Cir. Feb. 3, 2017) (unpublished).

We see no reason to depart from our prior decisions in this case, and Mr. Bracamonte-Verastegui presents no basis for us to review the BIA’s order denying his motion to *sua sponte* reopen his proceedings. *See Brooklyn Water Bagel Co. v. Bersin Bagel Grp., LLC*, 817 F.3d 719, 728 (11th Cir. 2016) (“Under the law of the case doctrine, the findings of fact and conclusions of law by an appellate court are generally binding in all subsequent proceedings in the same case . . . on a later appeal.”). Our previous decisions are controlling under the law of the case doctrine, and we incorporate their reasoning here.

For the foregoing reasons, we dismiss the petition.

PETITION DISMISSED.