

OCT 27 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>NAGI NASSIM SHAKER,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 06-75749

Agency No. A070-215-671

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted October 13, 2009\*\*

Before: B. FLETCHER, LEAVY, and RYMER, Circuit Judges.

Nagi Nassim Shaker, a native and citizen of Egypt, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for withholding of removal

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

and protection under the Convention Against Torture. We have jurisdiction under 8 U.S.C. § 1252. We review de novo claims of due process violations, including claims of ineffective assistance of counsel in immigration proceedings, *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005), and we deny the petition for review.

We agree with the BIA's conclusion that Shaker did not establish former counsel's representation resulted in prejudice, and thus Shaker's claim of ineffective assistance of counsel fails. *See id.* at 793-94 (to prevail on an ineffective assistance of counsel claim a petitioner must demonstrate prejudice).

**PETITION FOR REVIEW DENIED.**