

DEC 14 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALFREDO CAMBRON VARGAS; INEZ
ENRIQUEZ TORRES,

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

Nos. 06-72251
07-72950

Agency Nos. A079-595-691
A079-595-692

MEMORANDUM *

On Petitions for Review of Orders of the
Board of Immigration Appeals

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

In these consolidated petitions for review, Alfredo Cambron Vargas and Inez Enriquez Torres, husband and wife and natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") orders denying their two

* 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).

motions to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, and 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). We deny the petitions for review.

With respect to the BIA's March 29, 2006 order, the BIA acted within its broad discretion in determining that the evidence presented with petitioners' motion to reopen was insufficient to warrant reopening. *See Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2002) (BIA's denial of a motion to reopen shall be reversed only if it is "arbitrary, irrational, or contrary to law").

With respect to the BIA's January 30, 2006 order, the BIA acted within its discretion in denying petitioners' motion to reopen alleging ineffective assistance of counsel because petitioners presented insufficient evidence to establish prejudice. *See Rojas-Garcia v. Ashcroft*, 339 F.3d 814, 826 (9th Cir. 2003) (to prevail on an ineffective assistance of counsel claim a petitioner must demonstrate prejudice).

PETITIONS FOR REVIEW DENIED.