

DEC 14 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARMANDO GONZALEZ-OREGON,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-70901

Agency No. A079-289-584

MEMORANDUM*

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

Submitted November 17, 2009**

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

Armando Gonzalez-Oregon, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings based on ineffective assistance of counsel. We have

* 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).

jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen. *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003). We review de novo claims of constitutional violations in immigration proceedings. *Lin v. Ashcroft*, 377 F.3d 1014, 1023 (9th Cir. 2004). We deny the petition for review.

We agree with the BIA’s conclusion that Gonzalez-Oregon has not established prejudice from his prior counsel’s alleged ineffective assistance. *See Iturribarria*, 321 F.3d at 901-02; *see also Lin*, 377 F.3d at 1027 (to demonstrate prejudice, a petitioner must demonstrate “plausible grounds for relief”).

Accordingly, the BIA did not abuse its discretion in denying the motion to reopen. *See Iturribarria*, 321 F.3d at 903.

PETITION FOR REVIEW DENIED.