

DEC 22 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GARMIT SINGH, aka Bhupinder Singh;
KAUMALDER KAUR, aka Kulwinder
Kaur; et al.

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-71587

Agency Nos. A070-842-329

A074-762-397

A074-762-398

MEMORANDUM *

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

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and CLIFTON, Circuit Judges.

Garmit Singh, Kaumalder Kaur and their son, natives and citizens of India,
petition for review of the Board of Immigration Appeals' ("BIA") denial of their

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

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

motion to reopen proceedings. We have jurisdiction under 8 U.S.C. § 1252.

Reviewing for abuse of discretion, *Azanor v. Ashcroft*, 364 F.3d 1013, 1018 (9th Cir. 2004), we deny the petition for review.

The BIA did not abuse its discretion in denying Singh's motion to reopen based on ineffective assistance of counsel because the motion did not substantially comply with the procedural requirements set forth in *Matter of Lozada*, 19 I. & N. Dec. 637 (BIA 1988), and the facts underlying Singh's claim are not plain on the face of the record. *See Azanor*, 364 F.3d at 1023.

It follows that the BIA did not violate due process by denying Singh's motion. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error for a due process violation).

PETITION FOR REVIEW DENIED.