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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RICARDO A. URQUILLA-SAGASTIZADO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>
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Nos. 06-74892  
07-71015

Agency No. A019-087-697

MEMORANDUM\*

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

Submitted December 15, 2009\*\*

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

In these consolidated petitions for review, Ricardo A. Urquilla-Sagastizado, a native and citizen of El Salvador, seeks review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's

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

decision denying him relief under former Immigration and Nationality Act § 212(c), and the BIA's subsequent order denying his motion to reopen. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law and constitutional claims, and review for abuse of discretion the denial of a motion to reopen. *See Escobar v. Holder*, 567 F.3d 466, 469 (9th Cir. 2009). We deny in part and dismiss in part the petition for review in No. 06-74892, and deny the petition for review in No. 07-71015.

We agree with the BIA's conclusion that Urquilla-Sagastizado's concession of the charge of removability, communicated to the IJ through counsel, was effective. *See Magallanes-Damian v. INS*, 783 F.2d 931, 934 (9th Cir. 1986) (aliens "are generally bound by the conduct of their attorneys, including admissions made by them, absent egregious circumstances").

We lack jurisdiction to review the discretionary decision to deny Urquilla-Sagastizado section 212(c) relief, and he does not raise a colorable constitutional claim to overcome this jurisdictional bar. *See* 8 U.S.C. § 1252(a)(2)(B)(ii); *Vargas-Hernandez v. Gonzales*, 497 F.3d 919, 923 (9th Cir. 2007) ("Discretionary decisions, including whether or not to grant § 212(c) relief, are not reviewable.").

The BIA did not abuse its discretion in denying Urquilla-Sagastizado's motion to reopen, because the BIA considered the evidence Urquilla-Sagastizado

submitted and acted within its broad discretion in determining that the evidence was insufficient to warrant reopening. *See Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2002) (The BIA’s denial of a motion to reopen shall be reversed only if it is “arbitrary, irrational or contrary to law.”).

Urquilla-Sagastizado’s remaining contentions are unavailing.

**No. 06-74892: PETITION FOR REVIEW DENIED in part;  
DISMISSED in part.**

**No. 07-71015: PETITION FOR DENIED.**