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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RODOLFO RICO-BRISENO; MARIA GUADALUPE CAMBEROZ- HERNANDEZ,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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Nos. 07-70958  
07-74213

Agency Nos. A075-680-585  
A075-680-586

MEMORANDUM \*

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

Submitted January 11, 2010\*\*

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

In these consolidated petitions for review, Rodolfo Rico-Briseno and Maria  
Guadalupe Camberoz-Hernandez, natives and citizens of Mexico, petition for

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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).

review of the Board of Immigration Appeals' ("BIA") order dismissing their appeal from an immigration judge's ("IJ") decision denying their motion to terminate proceedings, and the BIA's order denying their motion to reopen. 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 questions of law and claims of constitutional violations in immigration proceedings. *See Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003). We deny the petitions for review.

The IJ did not violate due process in denying the motion to terminate because petitioners were properly served with their Notices to Appear, appeared at their hearings, and failed to demonstrate prejudice. *See Khan v. Ashcroft*, 374 F.3d 825, 828 (9th Cir. 2004) (holding that neither the INA nor "its implementing regulations require that the INS provide those notices in any language other than English.").

The agency did not abuse its discretion in denying petitioners' motion to reopen because petitioners failed to establish prejudice by the alleged errors of their counsel or Bell Services. *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.**