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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>EMETERIA J. RAMIREZ-MEDRANO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>
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No. 07-70884

Agency No. A090-793-537

MEMORANDUM *

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

Submitted January 11, 2010**

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

Emeteria J. Ramirez-Medrano, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to reopen based on ineffective assistance of counsel. We have jurisdiction pursuant

* 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).

to 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, and review de novo claims of due process violations in immigration proceedings. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

We agree with the BIA that Ramirez-Medrano failed to show that she was prejudiced by her former counsel's performance. *See Blanco v. Mukasey*, 518 F.3d 714, 722 (9th Cir. 2008) (no prejudice from counsel's failure to call a witness because additional testimony would not have likely changed the outcome); *see also Ortiz v. INS*, 179 F.3d 1148, 1153-54 (9th Cir. 1999) (attorney's failure to elicit critical testimony regarding petitioner's asylum claim was insufficient to establish prejudice).

PETITION FOR REVIEW DENIED.