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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JUAN ROBLES CISNEROS; SONIA RUTH ZAMORA DE LA O,</p> <p>Petitioners,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>

No. 07-72594

Agency Nos. A075-744-014
A075-744-013

MEMORANDUM*

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

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Juan Robles Cisneros and Sonia Ruth Zamora De La O, natives and citizens of Guatemala, petition pro se for review of the Board of Immigration Appeals’ (“BIA”) order denying their motion to reopen proceedings. We have jurisdiction

* 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).

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

The BIA did not abuse its discretion in denying the motion to reopen as untimely because it was filed eleven months after the BIA's February 14, 2006 order, *see* 8 C.F.R. § 1003.2(c)(2), and petitioners failed to establish that any of the regulatory exceptions apply, *see* 8 C.F.R. § 1003.23(b)(4). Nor have petitioners established prejudice to support their claim of ineffective assistance of counsel. *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).

PETITION FOR REVIEW DENIED.