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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FRANCISCO GONZALEZ DUENAS; LOURDES VILLAGRA DE GONZALEZ,</p> <p style="text-align: center;">Petitioner,</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. 07-70950  
07-73412

Agency Nos. A095-188-881  
A095-188-882

MEMORANDUM \*

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

Submitted February 16, 2010\*\*

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

In these consolidated petitions, Francisco Gonzalez Duenas and Lourdes Villagra De Gonzalez, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") order dismissing their appeal from an

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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).

immigration judge's decision denying their applications for cancellation of removal, and the BIA's order denying their motion to reopen based on ineffective assistance of counsel. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law and claims of due process violations, including those due to ineffective assistance of counsel, and we review for abuse of discretion the denial of a motion to reopen. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We dismiss the petition for review in No. 07-70950, and we deny the petition for review in No. 07-73412.

We lack jurisdiction to review the agency's discretionary determination that petitioners failed to show exceptional and extremely unusual hardship to a qualifying relative. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 929-30 (9th Cir. 2005).

We agree that petitioners failed to demonstrate that the performance of their prior representatives resulted in prejudice, and thus their ineffective assistance of counsel claim fails. *See Rojas-Garcia v. Ashcroft*, 339 F.3d 814, 826 (9th Cir. 2003) (petitioner must demonstrate prejudice to prevail on an ineffective assistance of counsel claim).

In light of our disposition, we do not reach petitioners' remaining contention.

**In No. 07-70950: PETITION FOR REVIEW DISMISSED.**

**In No. 07-73412: PETITION FOR REVIEW DENIED.**