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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOGINDER SINGH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>

Nos. 07-73865
08-71951

Agency No. A095-584-627

MEMORANDUM*

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

Submitted March 16, 2010**

Before: PREGERSON, LEAVY, and RAWLINSON, Circuit Judges.

In these consolidated petitions for review, Joginder Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ (“BIA”) orders denying his motion to reopen and his motion to reconsider. We have

* 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).

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

The BIA did not abuse its discretion in denying Singh's motion to reopen because he failed to establish prejudice. *See Rojas-Garcia v. Ashcroft*, 339 F.3d 814, 826 (9th Cir. 2003) (to prevail on an ineffective assistance of counsel claim, petitioner must demonstrate prejudice).

The BIA acted within its discretion when it denied Singh's motion to reconsider because the motion failed to identify any error of fact or law in the BIA's August 21, 2007, decision denying reopening. *See* 8 C.F.R. § 1003.2(b)(1).

PETITIONS FOR REVIEW DENIED.