

MAY 07 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SHAH NAZRUL,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-75197

Agency No. A071-577-985

MEMORANDUM*

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

Submitted May 4, 2010**
Pasadena, California

Before: O'SCANNLAIN and TALLMAN, Circuit Judges, and LEFKOW,***
District Judge.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Joan H. Lefkow, United States District Judge for the Northern District of Illinois, sitting by designation.

Shah Nazrul, a native and citizen of Bangladesh, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reissue the BIA's prior order due to ineffective assistance of counsel. We have jurisdiction under 8 U.S.C. § 1252. We review the BIA's denial of a motion to reopen for abuse of discretion, *Reyes v. Ashcroft*, 358 F.3d 592, 595 (9th Cir. 2004), and we deny the petition for review.

The BIA did not abuse its discretion in denying Nazrul's motion to reopen for failure to comply with the requirements set forth in *Matter of Lozada*, 19 I. & N. Dec. 637, 639 (BIA 1988), where Nazrul failed to file a state bar complaint or include evidence that he informed his attorney of the allegations against him, and the ineffective assistance is not plain on the face of the record. *See Reyes*, 358 F.3d at 597–99.

PETITION FOR REVIEW DENIED.