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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SERGIO MANUEL CEBALLOS-
PACHECO, MARIA DEL ROSARIO
FARFAN-CEBALLOS,

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-74104

Agency Nos. A075-536-059
A075-536-060

MEMORANDUM*

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

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Sergio Manuel Ceballos-Pacheco and Maria Del Rosario Farfan-Ceballos,
natives and citizens of Mexico, petition for review of the Board of Immigration

* 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).

Appeals’ (“BIA”) order denying their motion to reopen based on ineffective assistance of counsel. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen and 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.

The agency did not abuse its discretion or violate due process by denying petitioners’ motion to reopen on the ground that they failed to establish prejudice. *See Rojas-Garcia v. Ashcroft*, 339 F.3d 814, 826 (9th Cir. 2003) (requiring prejudice to state valid claim of ineffective assistance of counsel). Although petitioners allege former counsel deprived them of an opportunity to challenge the BIA’s denial of their cancellation applications before this court, they have failed to describe a colorable challenge to the BIA’s denial of their applications that would establish “plausible grounds for relief.” *Id.* (presumption of prejudice rebutted when petitioners do not show plausible grounds for relief).

PETITION FOR REVIEW DENIED.