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U.S. COURT OF APPEALS

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARAT GINAYATOVICH UMAROV,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-70056

Agency No. A095-306-563

MEMORANDUM\*

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

Submitted June 29, 2010\*\*

Before: ALARCÓN, LEAVY and GRABER, Circuit Judges.

Marat Ginayatovich Umarov, a native and citizen of Russia, petitions for review of the Board of Immigration Appeals' order denying his motion to reopen proceedings 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

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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).

reopen, and we review de novo questions of law, including claims of ineffective assistance of counsel. *Hernandez v. Mukasey*, 524 F.3d 1014, 1017 (9th Cir. 2008). We deny the petition for review.

Umarov's contention that an acquaintance whom he knew not to be a lawyer provided him with ineffective assistance of counsel is foreclosed by *Hernandez*, 524 F.3d at 1020 (holding that knowing reliance upon the advice of a non-attorney cannot support a claim for ineffective assistance of counsel in a removal proceeding). His due process contention therefore fails. *See id.*

**PETITION FOR REVIEW DENIED.**