

JUL 12 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HARISHCHANDER SINGH,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-71114

Agency No. A079-262-980

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.

Harishchander Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeal’s (“BIA”) order denying his motion to reissue a previous decision. We have jurisdiction under 8 U.S.C. § 1252. Reviewing for

* 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).

abuse of discretion, *Perez v. Mukasey*, 516 F.3d 770, 773 (9th Cir. 2008), we deny the petition for review.

The BIA did not act arbitrarily, irrationally, or contrary to law by concluding that counsel's affidavit of non-receipt was insufficient to rebut the presumption of effective service. *Cf. Singh v. Gonzales*, 494 F.3d 1170, 1172 (9th Cir. 2007) (statutory duty of service fulfilled when BIA mails decision to petitioner's or his counsel's address of record); *see Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2002) (The BIA's denial of a motion to reopen shall be reversed only if it is "arbitrary, irrational or contrary to law.").

Singh's remaining contentions are unpersuasive.

PETITION FOR REVIEW DENIED.