

DEC 13 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RICARDO PILAR GUTIERREZ,
NORMA GUTIERREZ and DAMIAN
GUTIERREZ,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-73713

Agency Nos. A097-869-098

A097-869-099

A097-869-100

MEMORANDUM*

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

Submitted December 6, 2010**

Before: GOODWIN, RYMER, and GRABER, Circuit Judges.

Ricardo Pilar Gutierrez, Norma Gutierrez, and Damian Gutierrez, natives and citizens of Mexico, petition pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing their appeal from an immigration judge's ("IJ")

* 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).

removal order and denying their motion to remand 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 continuance, *Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1246 (9th Cir. 2008) (per curiam), and denial of a motion to remand, *Movsisian v. Ashcroft*, 395 F.3d 1095, 1098 (9th Cir. 2005). We deny the petition for review.

The IJ did not abuse her discretion in denying a continuance where petitioners failed to demonstrate good cause to justify a fourth continuance. *See* 8 C.F.R. § 1003.29 (an IJ may grant a motion for continuance for good cause shown).

The BIA did not abuse its discretion in denying petitioners' motion to remand where they failed to establish that former counsel's failure to submit documents regarding the educational system in Mexico may have affected the outcome of their case. *See Rojas-Garcia v. Ashcroft*, 339 F.3d 814, 826 (9th Cir. 2003) (to prevail on an ineffective assistance of counsel claim a petitioner must demonstrate prejudice).

PETITION FOR REVIEW DENIED.