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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAMON CRUZ REYES and OFELIA  
ROBLES DIAZ,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-73778

Agency Nos. A079-524-999  
A079-525-000

MEMORANDUM\*

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

Submitted December 14, 2010\*\*

Before: GOODWIN, WALLACE, and THOMAS, Circuit Judges.

Ramon Cruz Reyes and Ofelia Robles Diaz, natives and citizens of Mexico, petition for review of the Board of Immigration 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

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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).

a motion to reopen, *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 petitioners' motion on the ground that they failed to comply with the requirements set forth in *Matter of Lozada*, 19 I. & N. Dec. 637, 639 (BIA 1988), because petitioners did not include any evidence that they had informed the attorneys of the allegations against them, and the alleged ineffective assistance is not plain on the face of the record. *See Reyes*, 358 F.3d at 584, 597-99.

The BIA did not abuse its discretion in denying petitioners' motion on the ground that the new evidence of their youngest daughter's health problems was untimely and did not fall within any exception to the time restrictions. *See* 8 C.F.R. § 1003.2(c)(2), (3).

**PETITION FOR REVIEW DENIED.**