

JAN 25 2011

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIA AUXILIO RODRIGUEZ- LANDA, a.k.a. Veronica Avina-Martinez,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
--

No. 08-75228

Agency No. A070-171-043

MEMORANDUM\*

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

Submitted January 10, 2011\*\*

Before: BEEZER, TALLMAN, and CALLAHAN, Circuit Judges.

Maria Auxilio Rodriguez-Landa, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying her motion to reopen deportation proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252.

---

\* 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).

We review for abuse of discretion the denial of a motion to reopen, *Garcia v. INS*, 222 F.3d 1208, 1209 (9th Cir. 2000) (per curiam), and we deny the petition for review.

The agency did not abuse its discretion in denying Rodriguez-Landa's motion to reopen because Rodriguez-Landa's former counsel received proper notice of the deportation hearing held on April 14, 1994. *See id.* (notice to an attorney of record constitutes notice to petitioner); *cf. Flores-Chavez v. Ashcroft*, 362 F.3d 1150, 1153 (9th Cir. 2004).

Rodriguez-Landa's remaining contentions are unpersuasive.

**PETITION FOR REVIEW DENIED.**