

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

FEB 23 2011

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

JATINDER PAL SINGH,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-74484

Agency No. A077-428-513

MEMORANDUM*

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

Submitted February 15, 2011**

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

Jatinder Pal Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen based

* 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).

on ineffective assistance of counsel. We have jurisdiction under 8 U.S.C. § 1252. We grant the petition for review and remand.

At the time of its decision, the BIA did not have the benefit of the Attorney General's decision in *Matter of Compean*, 25 I & N Dec. 1 (A.G. 2009) (BIA has power "to consider claims of ineffective assistance of counsel based on conduct of counsel that occurred after a final order of removal had been entered."). We therefore remand for the BIA to consider Singh's claim in light of this intervening caselaw.

PETITION FOR REVIEW GRANTED; REMANDED.