

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 22 2011

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

SATBIR SINGH RANDHAWA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-72058

Agency No. A075-020-911

MEMORANDUM*

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

Submitted March 8, 2011**

Before: FARRIS, LEAVY, and BYBEE, Circuit Judges.

Satbir Singh Randhawa, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, and review de novo claims of

* 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).

ineffective assistance of counsel. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

The BIA did not abuse its discretion in denying Randhawa's motion to reopen where he failed to establish that ineffective assistance of counsel may have affected the outcome of his case. *See id.* at 793-94 (to demonstrate prejudice, alien must establish that counsel's performance may have affected the outcome of proceedings).

Randhawa's remaining contentions are unavailing.

PETITION FOR REVIEW DENIED.