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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSE ANGEL PERAZA GODINEZ; et. al,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 09-73873

Agency Nos. A095-244-610
 A099-069-380
 A099-069-381

MEMORANDUM*

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

Submitted March 8, 2011**

Before: FARRIS, O’SANNLAIN, and BYBEE, Circuit Judges.

Jose Angel Peraza Godinez, Blanca Elia Peraza, and their son, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals’ (“BIA”) order dismissing their appeal from an immigration judge’s (“IJ”) decision denying their applications for cancellation of removal. We have jurisdiction under

* 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).

8 U.S.C. § 1252. We review de novo due process claims, including claims of ineffective assistance of counsel, *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

Petitioners' contention that their due process rights were violated when the IJ permitted them to appear pro se and denied an earlier motion for a continuance fails because the IJ advised them of their right to be represented by counsel, and because the petitioners indicated that they were prepared to proceed with the hearing. *See Ahmed v. Holder*, 569 F.3d 1009, 1012 (9th Cir. 2009); *see also Tawadrus v. Ashcroft*, 364 F.3d 1099, 1103 (9th Cir. 2004) (discussing requirements for a valid knowing and voluntary waiver of counsel). Moreover, petitioners have failed to allege prejudice.

The BIA also did not err in denying petitioners' ineffective assistance of counsel claim because petitioners failed to comply with the requirements set forth in *Matter of Lozada*, 19 I. & N. Dec. 637, 639 (BIA 1988), and the alleged ineffective assistance is not plain on the face of the record. *See Reyes v. Ashcroft*, 358 F.3d 592, 597-99 (9th Cir. 2004).

PETITION FOR REVIEW DENIED.