

APR 15 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ELIAZAR CABRERA-GUTIERREZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-72741

Agency No. A070-045-101

MEMORANDUM\*

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

Submitted April 5, 2011\*\*

Before: B. FLETCHER, CLIFTON, and BEA, Circuit Judges.

Eliazar Cabrera-Gutierrez, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's order denying his motion to reopen deportation proceedings conducted in absentia in 1990. We have jurisdiction under 8 U.S.C. § 1252. We

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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).

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

The agency did not abuse its discretion in denying Cabrera-Gutierrez's motion to reopen where the record reflects that Cabrera-Gutierrez's counsel of record was served with the hearing notice. *See id.* (notice to attorney of record constitutes notice to alien); *see also Matter of Velasquez*, 19 I. & N. Dec. 377, 384 (BIA 1986) (stating that "under the regulations, there is no 'limited' appearance of counsel in immigration proceedings").

**PETITION FOR REVIEW DENIED.**