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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIESLA DEL CARMEN
BRACAMONTE-ROMERO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-71619

Agency No. A077-152-140

MEMORANDUM*

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

Submitted April 20, 2011**

Before: RYMER, THOMAS, and PAEZ, Circuit Judges.

Mariesla Del Carmen Bracamonte-Romero, a native and citizen of Peru, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's decisions denying her motion to reopen removal proceedings conducted in absentia. 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. Reviewing for abuse of discretion, *Salta v. INS*, 314 F.3d 1076, 1078 (9th Cir. 2002), we deny the petition for review.

Contrary to Bracamonte-Romero's contention, the agency did not abuse its discretion in concluding that she failed to overcome the presumption of effective service created by regular mail. *Cf. id.* at 1079-80; *Sembiring v. Gonzales*, 499 F.3d 981, 988 (9th Cir. 2007).

Nor did the BIA abuse its discretion in denying Bracamonte-Romero's motion to reopen because the motion failed to offer any new or previously unavailable evidence. *See* 8 C.F.R. § 1003.2(c)(1).

Bracamonte-Romero's motion to stay is denied.

Counsel Antonia R. Salazar's motion to withdraw as counsel on behalf of Bracamonte-Romero is granted. Court records shall be amended to reflect petitioner Marisela Del Carmen Bracamonte-Romero 4801 108th St. #B-202, Lynwood, WA 98037, is proceeding pro se.

PETITION FOR REVIEW DENIED.