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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ASTGHIK NORIKI VARDANYAN; ARTYOM KHACHATRYAN,</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>

No. 09-73935

Agency Nos. A096-364-701
A096-364-702

MEMORANDUM*

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

Submitted May 24, 2011**

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

Astghik Noriki Vardanyan and Artyom Khachatryan, natives and citizens of Armenia, petition for review of the Board of Immigration Appeals’ (“BIA”) order denying their 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,

* 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).

Lin v. Holder, 588 F.3d 981, 984 (9th Cir. 2009), and we deny the petition for review.

The BIA did not abuse its discretion by denying petitioners' motion because they failed to establish ineffective assistance of counsel, *see Mohammed v. Gonzales*, 400 F.3d 785, 793 (9th Cir. 2005), or prima facie eligibility for asylum, *see Toufighi v. Mukasey*, 538 F.3d 988, 996 (9th Cir. 2008).

Petitioners' contention that the BIA abused its discretion by failing to consider the evidence submitted with the motion to reopen is not persuasive.

PETITION FOR REVIEW DENIED.