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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARTHA ELENA CARPIO GUERRA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 09-73638

Agency No. A072-118-162

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.

Martha Elena Carpio Guerra, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to reopen proceedings based on ineffective assistance of counsel. We have jurisdiction under 8 U.S.C. § 1252. Reviewing for abuse of discretion, *Singh v.*

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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).

*Gonzales*, 416 F.3d 1006, 1009 (9th Cir. 2005), we grant the petition for review and remand.

The BIA decided this case without the benefit of our decision in *Perdomo v. Holder*, in which we remanded for the agency to determine “whether women in Guatemala constitute a particular social group, and, if so, whether [petitioner] has demonstrated a fear of persecution” on account of her membership in a protected group. 611 F.3d 662, 669 (9th Cir. 2010). Accordingly, we grant the petition for review and remand to the BIA for further proceedings. *See INS v. Ventura*, 537 U.S. 12, 16 (2002) (per curiam).

**PETITION FOR REVIEW GRANTED; REMANDED.**