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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

YESICA VENEGAS RODRIGUEZ,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-73224

Agency No. A078-084-847

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration AppealsSubmitted June 9, 2011**
Pasadena, California

Before: BEEZER, TROTT, and RYMER, Circuit Judges.

Yesica Venegas Rodriguez petitions for review of the BIA's denial of her motion to reopen due to ineffective assistance of counsel. We have jurisdiction pursuant to 8 U.S.C. § 1252. We remand to the BIA to consider the effect, if any, of *Mercado-Zazueta v. Holder*, 580 F.3d 1102 (9th Cir. 2009), which was decided

* 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).

after the BIA's decision. Additionally, if appropriate, the BIA may consider whether Rodriguez was prejudiced by her prior counsel's performance and any other relevant issues.

PETITION GRANTED; REMANDED.