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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NOT FOR PUBLICATION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 Appeals

Submitted 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.