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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GENOVEVA MARTINEZ RIOS and
AGUSTIN ARMENTA MARTINEZ,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-74027

Agency Nos. A095-196-227
A095-196-228

MEMORANDUM*

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

Submitted June 15, 2011**

Before: CANBY, O’SCANNLAIN, and FISHER, Circuit Judges.

Genoveva Martinez Rios and Agustin Armenta Martinez, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals’ (“BIA”) order denying their motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review de novo due process claims, and for abuse of

* 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).

discretion the denial of a motion to reopen. *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003). We deny the petition for review.

The BIA did not abuse its discretion by denying petitioners' motion to reopen based on ineffective assistance of counsel because petitioners did not demonstrate that their prior counsel failed to perform with sufficient competence. *Maravilla Maravilla v. Ashcroft*, 381 F.3d 855, 858 (9th Cir. 2004). Petitioners' contention that the BIA failed to make a finding regarding counsels' competence is unsupported by the record.

In light of our disposition, we need not reach petitioners' remaining contentions.

PETITION FOR REVIEW DENIED.