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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CLAUDIA CAMPOS PEREZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 10-71031

Agency No. A096-061-871

MEMORANDUM*

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

Submitted August 1, 2011**

Before: LEAVY, THOMAS, and MURGUIA, Circuit Judges.

Claudia Campos Perez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' decision dismissing her appeal from an immigration judge's order denying her motion to reopen. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a

* 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).

motion to reopen and we review de novo questions of law, *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003). We deny in part and dismiss in part the petition for review.

The agency did not abuse its discretion by denying Campos Perez's motion to reopen on the ground that she failed to show her prior counsel was ineffective. *See Iturribarria*, 321 F.3d at 899-900. It follows that Campos Perez's due process claim fails. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000).

We lack jurisdiction to consider Campos Perez's contention regarding the transcript of her removal hearing because she did not raise that claim before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 677 (9th Cir. 2004).

Campos-Perez's contention that she has been defrauded by an immigration consultant is foreclosed by *Hernandez v. Mukasey*, 524 F.3d 1014, 1020 (9th Cir. 2008) (holding that "reliance upon the advice of a non-attorney cannot form the basis of a claim for ineffective assistance of counsel in a removal proceeding").

PETITION FOR REVIEW DENIED in part; DISMISSED in part.