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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GURMAJOR SINGH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 10-70808

Agency No. A078-674-062

MEMORANDUM*

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

Submitted January 17, 2012**

Before: LEAVY, TALLMAN, and CALLAHAN, Circuit Judges.

Gurmajor Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for an abuse of discretion the BIA's denial of a motion to reopen, and reviews de novo

* 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).

claims of due process violations, including claims of ineffective assistance of counsel. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

The BIA did not abuse its discretion in denying Singh's motion to reopen because he failed to show he was prejudiced by the alleged ineffective assistance of counsel. *See Iturribarria v. INS*, 321 F.3d 889, 901-03 (9th Cir. 2003).

The BIA also did not abuse its discretion in denying Singh's motion to reopen because it considered the record and acted within its broad discretion in determining that the evidence was insufficient to establish prima facie eligibility for asylum, withholding of removal, or CAT relief. *See Toufighi v. Mukasey*, 538 F.3d 988, 996-97 (9th Cir. 2008); *Fernandez v. Gonzales*, 439 F.3d 592, 603 (9th Cir. 2006) (the agency is presumed to have considered the entire record).

Finally, Singh's request for a stay of removal until his status is adjusted is denied. This does not effect our order dated August 25, 2010, granting Singh a stay of removal pending review.

PETITION FOR REVIEWED DENIED.