

JUN 18 2012

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

IMELDA HAIDY UMBAS,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-74927

Agency No. A078-442-428

MEMORANDUM*

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

Argued and Submitted June 8, 2012
Pasadena, California

Before: B. FLETCHER and WARDLAW, Circuit Judges, and MENDEZ, District
Judge.**

Imelda Haidy Umbas, a native and citizen of Indonesia, petitions for review
of the Board of Immigration Appeals' denial of her motion to remand to the
Immigration Judge based on ineffective assistance of counsel. We have

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The Honorable John A. Mendez, District Judge, United States District
Court for the Eastern District of California, sitting by designation.

jurisdiction under 8 U.S.C. § 1252. We review the denial of the motion to remand for abuse of discretion. *Lara-Torres v. Ashcroft*, 383 F.3d 968, 972 (9th Cir. 2004). We review the administrative findings of fact regarding counsel's performance for substantial evidence. *Monjaraz-Munoz v. INS*, 327 F.3d 892, 895 (9th Cir. 2003). We deny the petition for review and the request to remand.

Even assuming the performance of Umbas's multiple attorneys was deficient, she has not shown prejudice. "Prejudice is found when the performance of counsel was so inadequate that it may have affected the outcome of the proceedings." *Ortiz v. INS*, 179 F.3d 1148, 1153 (9th Cir. 1999). Umbas has failed to demonstrate how her counsel's performance affected the outcome of her case. While Umbas could have better presented her case, the record does not support a conclusion that she would otherwise have been entitled to relief.

PETITION DENIED