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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIA RODRIGUEZ-PALMERIN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 10-72892

Agency No. A096-571-584

MEMORANDUM*

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

Submitted June 26, 2012**

Before: SCHROEDER, HAWKINS, and GOULD, Circuit Judges.

Maria Rodriguez-Palmerin, native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to reopen removal proceedings based on ineffective assistance of counsel. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial 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).

a motion to reopen, and review de novo claims of due process violations.

Iturribarria v. INS, 321 F.3d 889, 894 (9th Cir. 2003). We deny the petition for review.

The BIA did not abuse its discretion in denying Rodriguez-Palmerin's motion to reopen, where she failed to show that the alleged ineffective assistance of counsel may have affected the outcome of her proceedings. *See id.* at 899-900 (requiring prejudice to prevail on ineffective assistance claim); *see also Trias-Hernandez v. INS*, 528 F.2d 366, 368-69 (9th Cir. 1975) (*Miranda* warnings are not required in the deportation context).

In light of our disposition, we need not address Rodriguez-Palmerin's remaining contentions.

PETITION FOR REVIEW DENIED.