

SEP 18 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ABD EL AZIZ MINSSY, a.k.a. Abd El
Aziz Fahmy Minssy; et al.,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-73118

Agency Nos. A046-835-473

A046-835-474

A046-835-475

A046-835-476

MEMORANDUM*

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

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

Abd El Aziz Minssy and his family, natives and citizens of Egypt, petition for review of the Board of Immigration Appeals' ("BIA") order denying their motion to reopen based on ineffective assistance of counsel. We have jurisdiction

* 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).

under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen. *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005). We deny the petition for review.

The BIA did not abuse its discretion in denying petitioners' motion to reopen on the ground that petitioners failed to establish that the alleged ineffective assistance of their former attorney may have affected the outcome of their proceedings. *See id.* at 793-94 (to prevail on an ineffective assistance of counsel claim, a petitioner must demonstrate prejudice). We reject petitioners' contention that the BIA applied the wrong legal standard.

PETITION FOR REVIEW DENIED.