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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KATHYA DOROTEA ROMERO
VELAZQUEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-72821

Agency No. A095-175-545

MEMORANDUM*

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

Argued and Submitted October 16, 2012
San Francisco, California

Before: WALLACE and BEA, Circuit Judges, and RESTANI, Judge.**

Because Velazquez’s counsel did not show he obtained his client’s consent to the motion to dismiss he filed on her behalf, the motion is denied. We will consider this case on the merits.

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

** The Honorable Jane A. Restani, Judge for the U.S. Court of International Trade, sitting by designation.

Because Velazquez has not shown that any prejudice resulted from the Immigration Judge's alleged failure to inform her of the potential for pre-conclusion voluntary departure, any right to due process was not violated. *See United States v. Calles-Pineda*, 627 F.2d 976, 978 (9th Cir. 1980); *In Re R-S-H*, 23 I. & N. Dec. 629, 644 (BIA 2003).

PETITION DENIED.