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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GILBERT JIMENEZ-ASCENSIO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 11-73956

Agency No. A088-500-286

MEMORANDUM*

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

Submitted September 24, 2013**

Before: RAWLINSON, N.R. SMITH, and CHRISTEN, Circuit Judges.

Gilbert Jimenez-Ascensio, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his 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.

** 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 questions of law. *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 Jimenez-Ascensio’s motion to reopen where he failed to show former counsel had provided ineffective assistance. *See id.* at 793 (petitioner must demonstrate “that counsel failed to perform with sufficient competence.”)

Jimenez-Ascensio’s contention that the BIA failed to provide a reasoned explanation for its decision is not supported by the record. *See Najmabadi v. Holder*, 597 F.3d 983, 987, 990 (9th Cir. 2010) (“[t]he [BIA] does not have to write an exegesis on every contention”) (internal quotes omitted).

PETITION FOR REVIEW DENIED.