FILED

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SARABJIT SINGH, a.k.a. Sarbjit Singh, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 11-72882 Agency No. A070-101-038 MEMORANDUM*

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

Submitted November 19, 2013**

Before: CANBY, TROTT, and THOMAS, Circuit Judges.

Sarabjit Singh, a native and citizen of India, petitions for review of the

Board of Immigration Appeals' ("BIA") order dismissing his appeal from an

immigration judge's denial of his motion to reopen exclusion proceedings held in

absentia. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of

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*   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).

discretion the denial of a motion to reopen, and review de novo claims of due process violations. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

The agency did not abuse its discretion in denying Singh's motion to reopen where Singh failed to demonstrate reasonable cause for his failure to appear. *See* 8 U.S.C. § 1252(b) (1991); 8 C.F.R. § 1003.23(b)(4)(iii)(B); *see also Garcia v. INS*, 222 F.3d 1208, 1209 (9th Cir. 2000) (per curiam) (notice to the attorney of record constitutes notice to the petitioner).

Singh's contention that the BIA violated its own regulations and Singh's due process rights by setting a briefing schedule prior to the issuance of the transcript from Singh's 1991 proceedings fails because he has not established prejudice. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring prejudice to prevail on a due process claim).

In light of this disposition, we need not reach Singh's remaining contentions.

PETITION FOR REVIEW DENIED.