

DEC 26 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>LIDIA MARLENE VELASQUEZ-CIFUENTE,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 10-70145

Agency No. A074-803-757

MEMORANDUM*

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

Submitted December 17, 2013**

Before: GOODWIN, WALLACE, and GRABER, Circuit Judges.

Lidia Marlene Velasquez-Cifuentes, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying her motion to reopen

* 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).

removal proceedings held in absentia. We have jurisdiction 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, 791-92 (9th Cir. 2005). We deny the petition for review.

The agency did not abuse its discretion in denying Velasquez-Cifuentes' motion to reopen where she failed to establish lack of proper notice. See 8 U.S.C. § 1229a(b)(5)(A), (c)(ii); cf. *Dobrota v. INS*, 311 F.3d 1206, 1211 (9th Cir. 2002) (agency "may generally satisfy notice requirements by mailing notice of the hearing to an alien . . . , or, if she is represented, to her attorney's address of record.").

The agency also did not abuse its discretion in denying Velasquez-Cifuentes' motion to reopen based on ineffective assistance of counsel where she failed to comply with the threshold requirements of *Matter of Lozada*, 19 I. & N. Dec. 637 (BIA 1988), and the alleged ineffective assistance was not "plain on the face of the administrative record." See *Castillo-Perez v. INS*, 212 F.3d 518, 525 (9th Cir. 2000).

PETITION FOR REVIEW DENIED.