

JAN 27 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>LEY ENG LIM,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 12-70154

Agency No. A089-897-740

MEMORANDUM*

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

Submitted January 21, 2014**

Before: CANBY, SILVERMAN, and PAEZ, Circuit Judges.

Ley Eng Lim, a native and citizen of Malaysia, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to reconsider.

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

* 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).

BIA's denial of a motion to reconsider, and review de novo claims of due process violations. *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002). We deny the petition for review.

The BIA did not abuse its discretion in denying Lim's motion to reconsider based on her arguments of past and future persecution. *See id.* (court will not disturb the BIA's decision unless it acted arbitrarily, irrationally, or contrary to law). In addition, even if the agency failed to properly consider Lim's legal advice argument, we reject her due process challenge because she failed to establish prejudice. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring prejudice to prevail on a due process challenge to deportation proceedings).

PETITION FOR REVIEW DENIED.