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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARCELINA QUINTANILLA
CENTENO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-73606

Agency No. A091-837-704

MEMORANDUM*

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

Argued April 10, 2014
Submitted August 4, 2014
San Francisco, California

Before: NOONAN, NGUYEN, and WATFORD, Circuit Judges.

Marcelina Quintanilla Centeno, a native and citizen of Nicaragua, challenges the Board of Immigration Appeals' ("BIA") denial of her request for a remand so that the immigration judge ("IJ") may conduct an inquiry into her competency.

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

Our review is for abuse of discretion, *see Garcia-Quintero v. Gonzales*, 455 F.3d 1006, 1011 (9th Cir. 2006), and 8 U.S.C. § 1252(a) grants us jurisdiction.

On May 4, 2011—six days before Quintanilla Centeno’s removal hearing—the BIA issued a precedential opinion outlining the framework for IJs to use when faced with a noncitizen showing some “indicia of incompetency.” *See In re M-A-M-*, 25 I. & N. Dec. 474 (B.I.A. 2011). In short, under *In re M-A-M-*, although noncitizens are “presumed” competent, *id.* at 477, steps must be taken to protect those who “lack sufficient competency to meaningfully participate in proceedings,” *id.* at 482. Quintanilla Centeno argues that, because she presented “indicia of incompetency,” the BIA abused its discretion by not granting a remand for the IJ to conduct the required competency inquiry. We agree.

In spite of some indications that Quintanilla Centeno was suffering from severe depression and may have recently discontinued her psychiatric medication, the IJ did not “make further inquiry to determine whether [she was] competent for purposes of immigration proceedings,” as *In re M-A-M-* requires. 25 I. & N. Dec. at 484.

Accordingly, we grant the petition and remand for the BIA to instruct the IJ to apply *In re M-A-M-*. We need not address Quintanilla Centeno’s remaining claims.

PETITION GRANTED; REMANDED.