

MAR 17 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KE HAN ZHENG,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 13-71236

Agency No. A076-495-576

MEMORANDUM*

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

March 10, 2015**

Before: FARRIS, WARDLAW, and PAEZ, Circuit Judges.

Ke Han Zheng, a native and citizen of China, 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. 36-3.

** 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, *Ray v. Gonzales*, 439 F.3d 582, 586 (9th Cir. 2006), and we deny the petition for review.

The BIA did not abuse its discretion in denying Zheng’s motion to reopen for failure to establish prejudice from his former attorneys. *See Rojas-Garcia v. Ashcroft*, 339 F.3d 814, 826 (9th Cir. 2003) (requiring prejudice to state valid claim of ineffective assistance of counsel). Although Zheng alleges former counsel deprived him of an opportunity to challenge the agency’s denial of his applications for relief before this court, and then failed to raise an ineffective assistance claim, he has failed to describe a colorable challenge to the agency’s denial of his applications that would establish “plausible grounds for relief.” *Id.* (presumption of prejudice rebutted when petitioners do not show plausible grounds for relief).

Zheng’s remaining contentions are unavailing.

PETITION FOR REVIEW DENIED.