

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 16 2020

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

SORAYA E. ARMENDARIZ ARCOS,
AKA Maria Alvarez, AKA Sonia Gonzalez,
AKA Sandra Patricia Martinez, AKA Laura
Valdez,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 14-72567

Agency No. A018-362-627

MEMORANDUM*

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

Submitted July 14, 2020**

Before: HAWKINS, GRABER, and CLIFTON, Circuit Judges.

Soraya Armendariz Arcos seeks review of the Board of Immigration Appeals’ (“BIA”) decision denying her motion to remand based on ineffective assistance of counsel. We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The BIA did not abuse its discretion in denying Arcos's motion to remand. As the BIA noted, in bringing her motion to remand, Arcos did not comply with the procedural requirements of *Matter of Lozada*, 19 I. & N. Dec. 637, 639 (BIA 1988). Nor does the record reflect a "clear and obvious case of ineffective assistance" to waive the *Lozada* requirements. *Correa-Rivera v. Holder*, 706 F.3d 1128, 1131 (9th Cir. 2013) (quoting *Rodriguez-Lariz v. INS*, 282 F.3d 1218, 1227 (9th Cir. 2002)). Arcos also has not shown prejudice based on her counsel's inadequate performance that affected the outcome. *Id.* at 1133. Before the immigration judge, she confirmed she did not have a problem with her attorney and testified that she feared returning to Ecuador because of abuse and threats from her uncle. Additional details she presented to the BIA and this Court do not establish the outcome of her case would have been different had her counsel elicited this testimony. Furthermore, Arcos has not specified what evidence her counsel should have obtained and presented to establish her drug-related conviction was not a particularly serious crime.

PETITION DENIED.