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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JAMIE RAMIREZ GARCIA; LETICIA CHAVEZ HERREJON,</p> <p style="text-align: center;">Petitioners,</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. 06-73820

Agency Nos. A095-179-338
A095-179-337

MEMORANDUM*

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

Submitted February 18, 2009**

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Jamie Ramirez Garcia and Leticia Chavez Herrejon, husband and wife and natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") order denying their motion to reopen alleging ineffective

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

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

assistance of counsel. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, and we review de novo due process claims. *Lin v. Ashcroft*, 377 F.3d 1014, 1023 (9th Cir. 2004). We deny the petition for review.

The BIA did not abuse its discretion in denying petitioners' motion because they did not satisfy any of the requirements set forth in *Matter of Lozada*, 19 I. & N. Dec. 637 (BIA 1988), and the alleged ineffective assistance is not "obvious and undisputed on the face of the record." *Reyes v. Ashcroft*, 358 F.3d 592, 597 (9th Cir. 2004). Moreover, the BIA correctly determined that petitioners failed to demonstrate prejudice. *See Iturribarria v. INS*, 321 F.3d 889, 901 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.