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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ZIA AHMED, Petitioner, v. ERIC H. HOLDER Jr., Attorney General, Respondent.	No. 06-72769 Agency No. A079-526-129 MEMORANDUM[*]

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

Submitted November 17, 2009[**]

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Zia Ahmed, a native and citizen of Bangladesh, petitions for review of the Board of Immigration Appeals' order summarily dismissing his appeal from an immigration judge's ("IJ") decision denying his motion to reopen alleging

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[*] 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).

JT/Research

ineffective assistance of counsel. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, and de novo claims of due process violations, including claims of ineffective assistance of counsel in immigration proceedings. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

Ahmed has waived any challenge to the IJ's dispositive decision to deny his motion to reopen as a matter of discretion by failing to raise any contentions regarding it. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996); *see also* 8 C.F.R. § 1003.23(b)(3) (IJ "has discretion to deny a motion to reopen even if the moving party has established a prima facie case for relief.").

Ahmed's due process claim is unavailing.

PETITION FOR REVIEW DENIED.