

DEC 28 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROSA MARIA GONZALEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

Nos. 07-74077

11-72034

Agency No. A096-493-547

MEMORANDUM*

On Petitions for Review of Orders of the
Board of Immigration Appeals

Submitted December 19, 2012**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

In these consolidated petitions for review, Rosa Maria Gonzalez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") orders dismissing her appeal from an immigration judge's decision denying her application for cancellation of removal and denying her motion to

* 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).

reopen alleging ineffective assistance of counsel. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We dismiss the petition for review in No. 07-74077, and deny the petition for review in No. 11-72034.

We lack jurisdiction to review the agency's discretionary determination that Gonzalez failed to show exceptional and extremely unusual hardship to her qualifying relatives. *See Mendez-Castro v. Mukasey*, 552 F.3d 975, 978 (9th Cir. 2009). Gonzalez's contention that the agency erred by failing to consider hardship to her eldest daughter is belied by the record.

The BIA did not abuse its discretion in denying Gonzalez's motion to reopen for failure to establish prejudice. *Mohammed*, 400 F.3d at 793-94 (prejudice results when counsel's actions may have affected the outcome of the proceedings).

We need not reach Gonzalez's remaining contentions in light of these conclusions.

In No. 07-74077: PETITION FOR REVIEW DISMISSED.

In No. 11-72034: PETITION FOR REVIEW DENIED.