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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SERGIO OLEA REYNOSO; AURORA GONZALEZ SANCHEZ,</p> <p>Petitioners,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 08-73021

Agency Nos. A095-446-783
A095-446-784

MEMORANDUM*

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

Submitted November 16, 2010**

Before: TASHIMA, BERZON, and CLIFTON, Circuit Judges.

Sergio Olea Reynoso and Aurora Gonzalez Sanchez, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals’ (“BIA”) order denying their motion to reopen proceedings due to ineffective assistance of counsel. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse 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).

discretion the denial of a motion to reopen, *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005), and we deny the petition for review.

The BIA acted within its discretion in denying petitioners' motion to reopen because petitioners did not establish that their former counsel "failed to perform with sufficient competence." *See Mohammed*, 400 F.3d at 793.

The motion to withdraw as attorney of record is granted. The Clerk shall amend the docket to reflect that petitioners are appearing pro se, and their address is 1016 S. Exmoor Ave., Compton, CA 90220.

PETITION FOR REVIEW DENIED.