

MAR 13 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SANDRA VIOLETA RAMIREZ
MAZARIEGOS,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-70543

Agency No. A070-956-004

MEMORANDUM*

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

Submitted March 6, 2012**

Before: B. FLETCHER, REINHARDT, and TASHIMA, Circuit Judges.

Sandra Violeta Ramirez Mazariegos, a native and citizen of Guatemala, petitions pro se for review of the Board of Immigration Appeals' ("BIA") decision denying her motion to reopen. We have jurisdiction under 8 U.S.C. §1252. We

* 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).

review for abuse of discretion the denial of a motion to reopen, and we review de novo claims of ineffective assistance in immigration proceedings, *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We grant the petition for review and remand.

The BIA abused its discretion when it denied Mazariegos's motion to reopen for failure to establish prejudice, because Mazariegos presented a plausible claim for relief, and her notary's failure to file a brief to the BIA may have affected the outcome of her removal proceedings. *See Singh v. Holder*, 658 F.3d 879, 887 (9th Cir. 2011).

PETITION FOR REVIEW GRANTED; REMANDED.