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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CARLOS ROBERTO GUTIERREZ-PORRAS; et al.,</p> <p style="text-align: center;">Petitioners,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 11-71215

Agency Nos. A070-805-891  
A070-805-890  
A075-483-579

MEMORANDUM\*

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

Submitted November 18, 2014 \*\*

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Carlos Roberto Gutierrez-Porras, Irma Gutierrez, and Kenny Gutierrez, natives and citizens of Guatemala, petition pro se for review of the Board of Immigration Appeals' order denying their motion to reopen removal proceedings

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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 concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

based on 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 review de novo claims of due process violations. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

The agency did not abuse its discretion in denying petitioners' motion to reopen where they failed to establish prejudice arising from any alleged ineffective assistance by their former counsel. *See id.* at 793-94 (“[P]rejudice results when the performance of counsel was so inadequate that it *may* have affected the outcome of the proceedings.” (emphasis in original) (internal quotation marks omitted)).

**PETITION FOR REVIEW DENIED.**