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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIA ESTHER CASTILLO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 12-73741

Agency No. A088-469-135

MEMORANDUM*

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

Submitted June 12, 2014**

Before: McKEOWN, WARDLAW, and M. SMITH, Circuit Judges.

Maria Esther Castillo, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to reopen removal proceedings. 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 questions

* 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).

of law. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

The BIA did not abuse its discretion in denying Castillo's motion to reopen as to ineffective assistance of counsel where Castillo failed to establish prejudice arising from any alleged ineffective assistance by her former representatives. *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)).

The BIA also did not abuse its discretion in denying as untimely Castillo's motion to reopen as to changed country conditions where the motion was filed more than two years after her removal order became final, *see* 8 C.F.R. § 1003.2(c)(2), and the BIA acted within its broad discretion in determining that the evidence was insufficient to establish prima facie eligibility for asylum, *see Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010) (agency may deny a motion to reopen based on failure to establish a prima facie case for the relief sought).

PETITION FOR REVIEW DENIED.