

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 20 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

RANJIT SINGH GHOTRA,

No. 15-73146

Petitioner,

Agency No. A088-734-492

v.

MEMORANDUM*

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

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

Submitted November 15, 2017**

Before: CANBY, TROTT, and GRABER, Circuit Judges.

Ranjit Singh Ghotra, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252.

In assessing Ghotra's claim of ineffective assistance of counsel, the BIA did

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

not have the benefit of *Barajas-Romero v. Lynch*, 846 F.3d 351 (9th Cir. 2017), which holds that the “one central reason” standard applies to asylum but not to withholding of removal. In addition, the BIA did not address whether the proposed particular social group was cognizable. Because the BIA’s rejection of Ghotra’s ineffective assistance claim relies in part on the agency’s underlying denial of withholding of removal for failure to show “one central reason” and because the BIA did not address whether Ghotra’s proposed particular social group is cognizable, we remand for the BIA to address his ineffective assistance claim.

PETITION FOR REVIEW GRANTED; REMANDED.