

March 26, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-60632  
Summary Calendar

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MEI HUA CHEN,

Petitioner,

versus

ALBERTO R. GONZALES, U. S. ATTORNEY GENERAL

Respondent.

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Petition for Review of an Order of the  
Board of Immigration Appeals  
(BIA No. A98 880 761)  
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Before SMITH, WIENER, and OWEN, Circuit Judges.

PER CURIAM:\*

Petitioner Mei Hua Chen seeks review of an order of the Board of Immigration Appeals (BIA) that denied her motion to reopen removal proceedings. In April 2005, an Immigration Judge (IJ) ordered Chen removed in absentia. In March 2006, after two prior motions to reopen had been denied, Chen filed her third motion to reopen. The BIA denied Chen's third motion to reopen as numerically barred pursuant to 8 C.F.R. § 1003.2(c)(2) and also noted that, even if the motion were not number barred, it would be denied for failing to establish a claim of ineffective assistance

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

of counsel. Chen argues that the BIA erred in finding that she had not established a claim of ineffective assistance of counsel and that, as a result, the BIA abused its discretion in finding her motion numerically barred.

As Chen previously filed two other motions to reopen, her third motion to reopen was barred by the numerical limitation set forth in § 1003.2(c)(2), which permits only one motion to reopen. The BIA did not abuse its discretion in denying Chen's motion to reopen. See Lara v. Trominski, 216 F.3d 487, 496 (5th Cir. 2000). Furthermore, we agree with the BIA's observation regarding Chen's failure to establish a viable claim of ineffective assistance of counsel. Chen's petition for review is DENIED.