

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 27 2009

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

JOSE CRUZ LANDEROS-TORRES,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 08-72742

Agency No. A075-101-732

MEMORANDUM*

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

Submitted January 20, 2009**

Before: O'SCANNLAIN, SILVERMAN and BYBEE, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' order dismissing an appeal from an immigration judge's order denying a continuance of

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

proceedings and denying relief from removal. We have jurisdiction pursuant to 8 U.S.C. § 1252(a)(2).

This court reviews an immigration judge's discretionary denial of a continuance for an abuse of discretion. *See Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1246-47 (9th Cir. 2008). "The decision to grant or deny a continuance is in the sound discretion of the judge and will not be overturned except on a showing of clear abuse." *Id.* (internal citations omitted). The BIA did not abuse its discretion in denying petitioner's motion for an indefinite continuance to "await the passage of pending comprehensive immigration reform legislation" where petitioner conceded there was no form of relief available to him at that time other than voluntary departure. *See Motion for a Continuance*, A.R. 62-63.

Accordingly, respondent's motion for summary disposition is granted because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). This petition for review is denied.

All other pending motions are denied as moot. The temporary stay of removal and voluntary departure confirmed by Ninth Circuit General Order 6.4(c) and *Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004), shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED.