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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GUSTAVO MIRANDA-GONZALEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 05-73724

Agency No. A074-228-434

MEMORANDUM*

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

Submitted March 18, 2009**

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

Gustavo Miranda-Gonzalez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ order summarily affirming an immigration judge’s (“IJ”) removal order. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the agency’s denial of a motion to

* 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).

continue, *Baires v. INS*, 856 F.2d 89, 91 (9th Cir. 1988), and de novo due process claims, *Sanchez-Cruz v. INS*, 255 F.3d 775, 779 (9th Cir. 2001). We deny the petition for review.

The IJ did not abuse his discretion in refusing to continue Miranda-Gonzalez's immigration proceedings because Miranda-Gonzalez did not establish "good cause" for a continuance. *See Grageda v. INS*, 12 F.3d 919, 921 (9th Cir. 1993) (IJ properly denied motion to continue because conviction was final and the pending collateral attack did not affect the conviction's finality).

The IJ correctly relied on a certified copy of the state court sentencing docket to establish the fact of Miranda-Gonzalez's conviction. *See* 8 U.S.C. § 1229a(c)(3)(B)(vi). Miranda-Gonzalez's contention that the IJ violated his due process rights by "forcing" him to recognize this conviction document and concede removability therefore fails. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error for a due process violation).

PETITION FOR REVIEW DENIED.