

AUG 17 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MAREK BERNACKI,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 06-72457

Agency No. A097-813-716

MEMORANDUM*

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

Submitted August 11, 2009**

Before: KLEINFELD, M. SMITH, and IKUTA, Circuit Judges

Marek Bernacki, a native and citizen of Poland, petitions for review of the Board of Immigration Appeals' order summarily dismissing his appeal from an immigration judge's ("IJ") removal order. We have jurisdiction under

* 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).

8 U.S.C. § 1252. We review questions of law de novo, *Hernandez-Gil v. Gonzales*, 476 F.3d 803, 804 n.1 (9th Cir. 2007), and we deny the petition for review.

The IJ properly denied Bernacki's applications for asylum and withholding of removal because Bernacki failed to comply with the IJ's November 18, 2004, and March 25, 2005, orders and failed to request a continuance from the IJ. *See* 8 C.F.R. § 1003.31(c).

PETITION FOR REVIEW DENIED.