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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SERGIO ROMERO ZATARAIN;
SUSANA PENA RODRIGUEZ,

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-70585

Agency Nos. A079-527-148

A079-527-149

MEMORANDUM*

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

Submitted September 14, 2009**

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Sergio Romero Zatarain and Susana Pena Rodriguez, spouses and natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' order dismissing their appeal from an immigration judge's ("IJ") decision denying

* 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).

their motion for a continuance. We have jurisdiction under 8 U.S.C. § 1252.

Reviewing for abuse of discretion the denial of a motion for a continuance, *Baires v. INS*, 856 F.2d 89, 91 (9th Cir. 1988), we deny the petition for review.

The IJ did not abuse his discretion in denying petitioners' motion for a continuance where the hearing had been scheduled over a year in advance and petitioners' counsel requested a continuance on account of a scheduling conflict one week before the hearing. *See* 8 C.F.R. § 1003.29 (IJ has authority to grant a continuance upon a showing of good cause); *Baires*, 856 F.2d at 91.

PETITION FOR REVIEW DENIED.