

NOV 30 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIO DOMINGUEZ CARRILLO,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-70402

Agency No. A070-816-362

MEMORANDUM\*

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

Submitted November 17, 2009\*\*

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Mario Dominguez Carrillo, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision granting him voluntary departure.

---

\* 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).

We have jurisdiction pursuant to 8 U.S.C. § 1252. We review de novo claims of due process violations in immigration proceedings. *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003). We deny the petition for review.

Contrary to Dominguez Carrillo's contention, his attorney did not request a continuance at his August 11, 2005, hearing in order for any U visa application to be processed. As the record does not indicate a request for a continuance, Dominguez Carrillo's due process contention fails. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error for a due process violation).

Dominguez Carrillo conceded before the agency, and in his opening brief, that he has no qualifying relative for purposes of cancellation of removal, so he is statutorily ineligible for this form of relief. *See* 8 U.S.C. § 1229b(b)(1).

**PETITION FOR REVIEW DENIED.**