

FEB 24 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JUAN MANUEL REYES-SOLORIO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>
--

No. 07-73632

Agency No. A077-152-398

MEMORANDUM*

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

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Juan Manuel Reyes-Solorio, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an Immigration Judge's decision denying his request for a continuance. Our

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

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

jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion for continuance. *Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1246 (9th Cir. 2008) (per curiam). We deny in part and dismiss in part the petition for review.

The agency did not abuse its discretion in denying Reyes-Solorio's motion to continue because Reyes-Solorio's eligibility for adjustment of status was speculative. *See id.* at 1247 (denial of a motion to continue was not an abuse of discretion where relief was not immediately available to petitioner).

We lack jurisdiction to review Reyes-Solorio's unexhausted due process claim regarding the denial of a continuance. *See Serrano v. Gonzales*, 469 F.3d 1317, 1319 (9th Cir. 2006).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.