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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SHO JIRO MATSUMARU, a.k.a. S. Jay Matsumaru,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 07-74682

Agency No. A023-125-040

MEMORANDUM*

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

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Sho Jiro Matsumaru, a native and citizen of Japan, petitions pro se for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) order of removal. We have jurisdiction under 8 U.S.C. § 1252. We review de novo claims of due process violations. *Sandoval-Luna v.*

* 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).

Mukasey, 526 F.3d 1243, 1246 (9th Cir. 2008) (per curiam). We deny the petition for review.

Matsumaru contends the IJ violated due process by denying his request for a continuance and by excluding the testimony of his criminal defense attorney. Contrary to Matsumaru's contentions, the proceedings were not "so fundamentally unfair that [he] was prevented from reasonably presenting his case." *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000) (citation omitted). Matsumaru has also not shown that the outcome of the proceeding may have been affected by the alleged violations. *Id.*

Matsumaru's remaining contentions lack merit.

The motion of Matsumaru's retained counsel, Judith L. Wood and Jesse A. Moorman, to withdraw as counsel of record is granted. The Clerk shall enter on the docket petitioner, Sho Jiro Matsumaru, 9026 Hubbard Street, Culver City, CA 90232, as appearing pro se.

PETITION FOR REVIEW DENIED.