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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANTONIO CHAVEZ-MONTEJANO,
a.k.a. Antonio Chavez,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

Nos. 08-70021
08-73384

Agency No. A075-098-140

MEMORANDUM*

On Petition for Review of Orders of the
Board of Immigration Appeals

Submitted May 25, 2010**

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

In these consolidated petitions, Antonio Chavez-Montejano, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reissue its previous decision and the order dismissing his appeal from an immigration judge's decision to deny him a

* 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).

continuance. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, *see Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002), and the denial of a motion to continue, *see Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1246 (9th Cir. 2008) (per curiam). We deny the petitions for review.

The BIA did not abuse its discretion in refusing to reissue its August 29, 2006, order where the record indicates the order was mailed to Chavez-Montejano's counsel's address of record, *see Haroutunian v. INS*, 87 F.3d 374, 375-76 (9th Cir. 1996) (a properly addressed cover letter creates a presumption of mailing on the date of the cover letter), and Chavez-Montejano has not submitted sufficient evidence to overcome the presumption of receipt, *cf. Singh v. Gonzales*, 494 F.3d 1170, 1172-73 (9th Cir. 2007); *see also* 8 C.F.R. § 1003.2(c).

The agency did not abuse its discretion in denying Chavez-Montejano's motion for a continuance because Chavez-Montejano did not demonstrate good cause. *See Sandoval-Luna*, 526 F.3d at 1246-47; 8 C.F.R. § 1003.29.

PETITIONS FOR REVIEW DENIED.