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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HILARIO SALGADO-ROSAS,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-73563

Agency No. A074-427-940

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.

Hilario Salgado-Rosas, 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 motion to continue and ordering him

* 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).

removed. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to continue, *Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1246 (9th Cir. 2008) (per curiam), and we deny the petition for review.

The agency did not abuse its discretion in denying Salgado-Rosas' motion to continue because a visa was not available to Salgado-Rosas and his eligibility for relief was speculative. *See id.* at 1247 (denial of a motion to continue was not an abuse of discretion where petitioner was not eligible for relief).

Salgado-Rosas' period of voluntary departure will begin to run upon issuance of this court's mandate. *See Eliau v. Ashcroft*, 370 F.3d 897 (9th Cir. 2004) (order).

PETITION FOR REVIEW DENIED.