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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUAN CARBAJAL GONZALEZ; PATRICIA SORIA GARCIA, Petitioners, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 07-72646 Agency Nos. A095-293-818 A095-293-819 MEMORANDUM*

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

Submitted June 29, 2010**

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Juan Carbajal Gonzalez and Patricia Soria Garcia, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' order dismissing their appeal from an immigration judge's ("IJ") decision denying their motion to

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* 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).

continue and pretermitting their applications for cancellation. We dismiss the petition for review.

Petitioners have informed the court that their U visa applications have been denied. Because the underlying relief sought has been denied, petitioners' challenge to the denial of the continuance to pursue that relief is moot. Contrary to petitioners' arguments, their due process claim fails because they have not shown prejudice. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring prejudice for a petitioner to prevail on a due process claim).

We dismiss the petition for review as moot.

PETITION FOR REVIEW DISMISSED.