NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALBERTO PABLO SORIANO-ARAGON, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 07-71636 Agency No. A077-125-253 MEMORANDUM[*]

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

Submitted September 13, 2010[**]

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Alberto Pablo Soriano-Aragon, a native and citizen of Mexico, petitions for

review of the Board of Immigration Appeals' order dismissing his appeal from an

immigration judge's ("IJ") decision denying his request for a continuance. We

have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the

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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).

denial of a continuance. *Ahmed v. Holder*, 569 F.3d 1009, 1012 (9th Cir. 2009).

We review de novo claims of due process violations in immigration proceedings.

Sandoval-Luna v. Mukasey, 526 F.3d 1243, 1246 (9th Cir. 2008). We deny the

petition for review.

The agency did not abuse its discretion in denying Soriano-Aragon's request

for a continuance at his November 29, 2005, hearing because he did not

demonstrate good cause where he failed to present evidence that an I-140

immigrant visa petition was pending with the agency, and where the IJ had granted

three prior continuance requests over the four years Soriano-Aragon's case was

before the IJ. *See* 8 C.F.R. § 1003.29; *cf. Ahmed*, 569 F.3d at 1012-14. As

Soriano-Aragon cannot demonstrate error, it follows that his due process claim

must fail. *See Lata v. INS,* 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error for

a due process violation).

PETITION FOR REVIEW DENIED.