

JAN 25 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA DEL ROSARIO ZANUDO
BOJORQUEZ; MIGUEL MALDONADO
HERNANDEZ,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-73158

Agency Nos. A095-176-538
A095-176-539

MEMORANDUM*

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

Submitted January 10, 2011

Before: BEEZER, TALLMAN, and CALLAHAN, Circuit Judges.

Maria Del Rosario Zanudo Bojorquez and Miguel Maldonado Hernandez,
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 for a continuance. We have jurisdiction under 8 U.S.C.

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

§ 1252. We review for abuse of discretion the denial of a motion for a continuance, *Karapetyan v. Mukasey*, 543 F.3d 1118, 1129 (9th Cir. 2008), and de novo questions of law, *Ram v. INS*, 243 F.3d 510, 516 (9th Cir. 2001). We deny the petition for review.

The IJ did not abuse his discretion in denying petitioners' motion for a continuance where they failed to show good cause. *See* 8 C.F.R. § 1003.29; *Karapetyan*, 543 F.3d at 1129. It follows that petitioners' due process claim fails. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error and prejudice for a petitioner to prevail on a due process claim).

PETITION FOR REVIEW DENIED.