

MAR 25 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARCO ISRAEL VILAFRANCO,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 09-71316

Agency No. A099-630-216

MEMORANDUM*

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

Submitted March 8, 2011**

Before: FARRIS, O’SCANNLAIN, and BYBEE, Circuit Judges.

Marco Israel Villafranco, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his motion for a continuance. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the

* 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 motion to continue, and review de novo questions of law.

Sandoval-Luna v. Mukasey, 526 F.3d 1243, 1246 (9th Cir. 2008) (per curiam). We denied the petition for review.

The agency did not abuse its discretion or deny due process by denying Villafranco's request for a continuance because he did not demonstrate good cause for one. *See* 8 C.F.R. § 1003.29 (an IJ may grant a motion for continuance for good cause shown); *see also Sandoval-Luna*, 526 F.3d at 1247. The agency did not err in concluding Villafranco failed to show eligibility for adjustment of status under 8 U.S.C. § 1255(a) where he was never inspected and admitted or paroled into the United States. *See Ortega-Cervantes v. Gonzales*, 501 F.3d 111, 114-19 (9th Cir. 2007).

PETITION FOR REVIEW DENIED.