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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>LAJOS GAZDA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 05-73986

Agency No. A097-748-574

MEMORANDUM*

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

Submitted April 20, 2011**

Before: RYMER, THOMAS, and PAEZ, Circuit Judges.

Lajos Gazda, a native and citizen of Hungary, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) removal order. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion for a continuance, and review

* 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).

de novo claims of due process violations in immigration proceedings.

Sandoval-Luna v. Mukasey, 526 F.3d 1243, 1245-46 (9th Cir. 2008) (per curiam).

We deny the petition for review.

The agency did not abuse its discretion in denying Gazda's motion for a continuance to allow for the adjudication of an I-130 visa petition that had been filed on his behalf where the marriage the visa petition was based on had been entered into while administrative removal proceedings were pending and Gazda failed to provide any documentation to demonstrate that the marriage was entered into in good faith. *See* 8 U.S.C. § 1255(e); *see also Sandoval-Luna*, 526 F.3d at 1247. Gazda's contention that the IJ refused his proffered submission of documentary evidence relating to the bona fides of his marriage is not supported by the record.

Gazda's contention that the agency's denial of a continuance violated due process is unavailing. *Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error for a due process violation).

PETITION FOR REVIEW DENIED.