

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 29 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

EDY GONZALEZ-SORIA, a.k.a. Edy
Gonzalez Soria,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-72002

Agency No. A076-271-861

MEMORANDUM*

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

Submitted June 15, 2011**

Before: CANBY, O'SCANNLAIN, and FISHER, Circuit Judges.

Edy Gonzalez-Soria, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's ("IJ") decision denying his application for cancellation of removal and denying his motion to continue. 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.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 1252. We review for substantial evidence the agency's continuous physical presence finding, *Landin-Zavala v. Gonzales*, 488 F.3d 1150, 1151 (9th Cir. 2007), for abuse of discretion the denial of a motion to continue, and de novo claims of constitutional violations in immigration proceedings, *Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1246 (9th Cir. 2008) (per curiam). We deny the petition for review.

Substantial evidence supports the agency's determination that Gonzalez-Soria did not meet the continuous physical presence requirement where the record indicates that he was deported from the United States in 1997. *See Landin-Zavala*, 488 F.3d at 1153 (deportation or removal terminates the accrual of physical presence).

The IJ did not abuse his discretion or violate due process in denying a continuance because Gonzalez-Soria did not demonstrate good cause. *See* 8 C.F.R. § 1003.29 (an IJ may grant a motion for continuance for good cause shown); *Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error for a petitioner to prevail on a due process claim).

Gonzalez-Soria's remaining contentions are unavailing.

PETITION FOR REVIEW DENIED.