

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 7 2011

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

YAMAL GABRIE, a.k.a. Gabriel Yamal,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-72612

Agency No. A072-227-886

MEMORANDUM*

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

Submitted September 27, 2011**

Before: SILVERMAN, W. FLETCHER, and MURGUIA, Circuit Judges.

Yamal Gabrie, a native and citizen of Honduras, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") decision denying his applications for cancellation of removal and voluntary departure. We have jurisdiction under 8 U.S.C. § 1252.

* 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).

We review de novo questions of law, *Sinotes-Cruz v. Gonzales*, 468 F.3d 1190, 1194 (9th Cir. 2006), and review for abuse of discretion the denial of a motion to continue, *Ahmed v. Holder*, 569 F.3d 1009, 1012 (9th Cir. 2009). We deny the petition for the review.

In his opening brief, Gabriele fails to address, and therefore has waived any challenge to, the BIA's dispositive determination that Gabriele was bound by his former counsel's admissions before the IJ that Gabriele's criminal convictions were crimes involving moral turpitude. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in a party's opening brief are waived).

The agency therefore did not err in denying Gabriele's applications for cancellation of removal under 8 U.S.C. § 1229b(b)(1)(B), and voluntary departure under 8 U.S.C. § 1229c(b)(1)(B), because he was unable to show good moral character during the relevant time period preceding his applications. *See* 8 U.S.C. § 1101(f)(3); *Matter of Deanda-Romo*, 23 I. & N. Dec. 597, 599 (BIA 2003) (individual who has committed more than one crime involving moral turpitude is not eligible for the petty offense exception).

The IJ did not abuse her discretion in denying Gabriele's request for a continuance where Gabriele failed to show good cause. *See Ahmed*, 569 F.3d at

1012-15; 8 C.F.R. § 1003.29. It follows that Gabriele's due process claim fails. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000).

PETITION FOR REVIEW DENIED.