

APR 20 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>EVARISTO QUINTANAR-OLIVERA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
--

No. 10-70608

Agency No. A070-163-195

MEMORANDUM*

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

Submitted April 17, 2012**

Before: LEAVY, PAEZ, and BEA, Circuit Judges.

Evaristo Quintanar-Olivera, 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”) order of deportation. We have jurisdiction

* 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).

under 8 U.S.C. § 1252. We review de novo questions of law. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

The agency properly deemed Quintanar-Olivera's application for adjustment of status abandoned after he failed to file the application by the deadline set by the IJ. *See* 8 C.F.R. § 1003.31(c) (authorizing IJ to set filing deadlines and deem waived any application not filed by the deadline).

The IJ did not err by issuing a decision without a further hearing. Both the IJ and BIA granted Quintanar-Olivera's request for voluntary departure, and there was no need for the IJ to rule on Quintanar-Olivera's motion to suppress because it was relevant only to his eligibility for the abandoned application.

PETITION FOR REVIEW DENIED.