

MAY 24 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ALFREDO SALDANA-RAMIREZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 11-70522

Agency No. A088-884-090

MEMORANDUM*

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

Submitted May 15, 2012**

Before: CANBY, GRABER, and M. SMITH, Circuit Judges.

Alfredo Saldana-Ramirez, 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 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 continuance, *Ahmed v. Holder*, 569 F.3d 1009, 1012 (9th Cir. 2009), and we deny the petition for review.

The BIA did not abuse its discretion in concluding that Saldana-Ramirez failed to show good cause for a continuance pending the completion of post-conviction relief proceedings in state court where no favorable evidence was excluded as a result of the denial and the requested continuance would have been indefinite in nature. *See id.* at 1012-14. Contrary to Saldana-Ramirez's contention, the agency did not apply an incorrect legal standard in ruling on his motion.

We deny Saldana-Ramirez's motion for judicial notice of documents outside the administrative record. *See Fisher v. INS*, 79 F.3d 955, 963 (9th Cir. 1996) (en banc). Accordingly, we deny as moot the government's motion to strike.

PETITION FOR REVIEW DENIED.