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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JUAN MIRANDA-SANCHEZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 11-71694

Agency No. A098-383-065

MEMORANDUM*

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

October 9, 2012**

Before: RAWLINSON, MURGUIA, and WATFORD, Circuit Judges.

Juan Miranda-Sanchez, a native and citizen of Mexico, petitions for review of an order of the Board of Immigration Appeals (“BIA”) summarily affirming the decision of an immigration judge (“IJ”) to deny Miranda-Sanchez’s motion to continue his removal proceedings. 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).

Reviewing for an abuse of discretion an IJ's denial of a motion to continue, *Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1246 (9th Cir. 2008) (per curiam), we deny the petition for review.

The IJ did not abuse his discretion by denying Miranda-Sanchez's motion to continue because Miranda-Sanchez did not demonstrate good cause for a continuance, *see Ahmed v. Holder*, 569 F.3d 1009, 1012 (9th Cir. 2009) (“[A]n IJ ‘may grant a motion for continuance for good cause shown.’” (citation omitted)), where, at the time of the hearing, Miranda-Sanchez's eligibility for adjustment of status remained only a remote possibility due to the current unavailability of a visa based on his fourth-preference family-sponsored visa petition, *see* 8 U.S.C. § 1255(i)(2)(B); 8 C.F.R. § 1245.1(g)(1); *see also Sandoval-Luna*, 526 F.3d at 1247 (finding that the IJ did not abuse his discretion by denying a continuance because, among other reasons, relief from removal in the form of adjustment of status was not immediately available to the petitioner at the time of the hearing); *Matter of Rajah*, 25 I. & N. Dec. 127, 136 (BIA 2009) (holding that an immigrant who has a prima facie approvable visa petition and application for adjustment of status may not be able to show good cause for a continuance if visa availability is too remote).

PETITION FOR REVIEW DENIED.