

JUN 13 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JANE VALLE AGANA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-73089

Agency No. A099-820-655

MEMORANDUM*

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

Submitted June 10, 2013**

Before: HAWKINS, McKEOWN, and BERZON, Circuit Judges.

Jane Valle Agana, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying her request for a continuance.

* 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 grant respondent's unopposed August 7, 2012, motion to take judicial notice of the U.S. Citizenship and Immigration Services' July 24, 2012, denial of the Form I-130, Petition for Alien Relative filed on Agana's behalf. *See Ibrahim v. Dep't of Homeland Security*, 669 F.3d 983, 988 (9th Cir. 2012) (taking judicial notice of the denial of petitioner's student visa application).

Agana contends that the agency abused its discretion by denying her request for a continuance pending the adjudication of the Petition for Alien Relative filed on her behalf. Because the visa petition has been denied, we dismiss this petition for review as moot. *See Pedroza-Padilla v. Gonzales*, 486 F.3d 1362, 1364 n.2 (9th Cir. 2007).

PETITION FOR REVIEW DISMISSED.