

JUN 20 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>ADRIAN RODARTE-RODARTE,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 06-71600

Agency No. A076-659-665

MEMORANDUM*

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

Submitted June 18, 2013**

Before: TALLMAN, M. SMITH, and HURWITZ, Circuit Judges.

Adrian Rodarte-Rodarte, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) order of removal and denial of his request for a continuance. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of

* 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).

discretion the agency's denial of a continuance, *Ahmed v. Holder*, 569 F.3d 1009, 1012 (9th Cir. 2009), and we deny the petition for review.

The agency did not abuse its discretion in denying Rodarte-Rodarte's request for a second continuance for failure to show good cause where he had already been granted a continuance for the purpose of applying for humanitarian reinstatement of his visa petition but had failed to do so during the continuance period. *See* 8 C.F.R. § 1003.29 (IJ may grant a motion for a continuance for good cause shown); *Ahmed*, 569 F.3d at 1012.

PETITION FOR REVIEW DENIED.