

FILED

SEP 17 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROMILO MAEDA-GARCIA;
WILFREDO MAEDA; MORIS RUBILIO
MAEDA-MAEDA; BRENDA ANALU
MAEDA-MAEDA,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-75039

Agency Nos. A077-381-966

A076-865-591

A076-865-592

A076-865-593

MEMORANDUM*

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

Argued August 4, 2011 Submitted September 15, 2015
Seattle, Washington

Before: SCHROEDER and M. SMITH, Circuit Judges, and BENITEZ, District
Judge.**

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The Honorable Roger T. Benitez, United States District Judge for the
Southern District of California, sitting by designation.

This matter was referred to mediation. Only Romilo Maeda-Garcia and Wilfredo Maeda remain as petitioners, and Wilfredo's claims are derivative of Romilo, his father. The petitions have been referred back to us.

We appointed counsel to represent Petitioners and this court appreciates the work of the students at the University of Arizona, James E. Rogers College of Law.

The government has filed a motion to dismiss and Petitioners' counsel has filed an opposition. The motion is denied.

On the merits, the only claim is that the Immigration Judge should have granted a continuance of the original hearing. Romilo's children have claimed on his behalf that his failure to appear at the hearing was excused by his having been granted advance parole by the government to visit his dying father in Guatemala. No evidence has ever been produced to support that claim and current counsel are not able to communicate with him. In the absence of any evidence of a justification for such continuance, there was no abuse of discretion in its denial. *See Ahmed v Holder*, 569 F.3d 1009, 1012 (9th Cir. 2009).

The petitions are **DENIED**.