

OCT 20 2015

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARTURO MENDEZ-LEMUS, AKA
Arturo Mendez,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-70213

Agency No. A095-745-593

MEMORANDUM*

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

Submitted October 14, 2015**

Before: SILVERMAN, BYBEE, and WATFORD, Circuit Judges.

Arturo Mendez-Lemus, 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") decision denying his request for a continuance. Our jurisdiction is governed by 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. *Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1246 (9th Cir. 2008). We deny the petition for review.

The agency did not abuse its discretion in denying Mendez-Lemus's request for a further continuance for failure to demonstrate good cause, where Mendez-Lemus had already been granted a continuance to await visa availability and his visa likely would not become current for at least a year and a half. *See* 8 C.F.R. § 1003.29 (an immigration judge may grant a continuance for good cause shown); *Sandoval-Luna*, 526 F.3d at 1247 (no abuse of discretion by denying a continuance where the relief sought was not immediately available to petitioner). Nor does the record support Mendez-Lemus's claim that the agency abused its discretion by failing to consider all of the factors or failed to set forth any reasoned basis for its decision. *See Vilchez v. Holder*, 682 F.3d 1195, 1201 (9th Cir. 2012) ("An IJ does not have to write an exegesis on every contention." (citation and quotation marks omitted)).

Mendez-Lemus's motion to remand or for inclusion in this court's mediation program is denied as moot.

PETITION FOR REVIEW DENIED.