

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DEC 20 2017

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

LUIS ANTONIO ALVARENGA,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 16-70852

Agency No. A075-603-719

MEMORANDUM*

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

Submitted December 18, 2017**

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

Luis Antonio Alvarenga, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's ("IJ") removal order. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a continuance and review

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

de novo questions of law. *Ahmed v. Holder*, 569 F.3d 1009, 1012 (9th Cir. 2009).

We deny the petition for review.

The agency did not abuse its discretion or violate Alvarenga's right to counsel in denying his request for a further continuance, where the IJ granted him nine months to seek counsel once he was released from detention, and the IJ warned him that no further time would be granted to prepare his applications for relief, with or without counsel. *See id.* at 1012 (listing factors to consider in reviewing the agency's denial of a continuance); *Garcia v. Lynch*, 798 F.3d 876, 881 (9th Cir. 2015) (finding it was not unreasonable to deny a continuance where petitioner had six months to pursue post-conviction relief).

Alvarenga's contention that he did not explicitly waive his right to counsel at his final hearing is unavailing, where he was represented by counsel at that hearing.

PETITION FOR REVIEW DENIED.