NOT FOR PUBLICATION

FILED

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JASON CHUNG YU, Petitioner, v. LORETTA E. LYNCH, Attorney General, Respondent.	No. 15-71120 Agency No. A088-555-545 MEMORANDUM*

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

Submitted September 27, 2016**

Before: TASHIMA, SILVERMAN, and M. SMITH, Circuit Judges.

Jason Chung Yu, a native and citizen of Taiwan, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's removal order denying his request for a continuance. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a

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* 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).

continuance and review de novo due process challenges. *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 or violate due process in denying Yu's request for a continuance for failure to show good cause, where success on his motion for post-conviction relief was speculative and he failed to establish prejudice. *See* 8 C.F.R. § 1003.29; *Sandoval-Luna,* 526 F.3d at 1247 (no abuse of discretion or denial of due process to deny a continuance where relief was not immediately available and alien did not establish prejudice); *Garcia v. Lynch,* 798 F.3d 876, 881 (9th Cir. 2015) (no abuse of discretion to deny a continuance where petitioner already had six months to pursue post-conviction relief).

Yu's contentions that he was denied his right to counsel and did not receive a full and fair hearing are not supported by the record.

PETITION FOR REVIEW DENIED.