

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 23 2020

FOR THE NINTH CIRCUIT

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

HECTOR ENRIQUE SILVA-PEREZ,

No. 19-72012

Petitioner,

Agency No. A200-281-369

v.

MEMORANDUM*

WILLIAM P. BARR, Attorney General,

Respondent.

On Petition for Review of an Order of the
Immigration Judge

Submitted July 14, 2020**

Before: CANBY, FRIEDLAND, and R. NELSON, Circuit Judges.

Hector Enrique Silva-Perez, a native and citizen of Mexico, petitions for review of an immigration judge's ("IJ") denial of his motion for a continuance and determination under 8 C.F.R. § 1208.31(a) that he did not have a reasonable fear of persecution or torture in Mexico, and is thus not entitled to relief from his reinstated removal order. We have jurisdiction under 8 U.S.C. § 1252. We 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).

for abuse of discretion the denial of a continuance and review de novo claims of due process violations in immigration proceedings. *Cruz Rendon v. Holder*, 603 F.3d 1104, 1109 (9th Cir. 2010). We deny the petition for review.

In his opening brief, Silva-Perez does not challenge the IJ's negative reasonable fear determination. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013) (issues not specifically raised and argued in a party's opening brief are waived).

The IJ did not abuse her discretion in concluding that Silva-Perez failed to show good cause for a continuance. *See* 8 C.F.R. § 1003.29; *Ahmed v. Holder*, 569 F.3d 1009, 1012 (9th Cir. 2009) (factors considered include the nature of the evidence excluded).

Silva-Perez's due process claim fails because he has not established error or prejudice from the denial of the continuance. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (a petitioner must show error and prejudice to prevail on a due process claim).

PETITION FOR REVIEW DENIED.