

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 28 2024

FOR THE NINTH CIRCUIT

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

YONG JOO CHUNG,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 23-508

Agency No.
A097-352-876

MEMORANDUM*

On Petition for Review of an Order of an
Immigration Judge

Submitted February 21, 2024**

Before: FERNANDEZ, NGUYEN, and OWENS, Circuit Judges.

Yong Joo Chung, a native and citizen of South Korea, petitions pro se for review of an immigration judge's ("IJ") order affirming an asylum officer's negative reasonable fear determination, and denying his motion to continue. We have jurisdiction under 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 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).

denial of a continuance. *Arrey v. Barr*, 916 F.3d 1149, 1158 (9th Cir. 2019). We review de novo constitutional claims. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

Because Chung does not contest the IJ's dispositive determinations that he did not demonstrate a reasonable fear of persecution on account of a protected ground or torture with the consent or acquiescence of the government, we do not address them. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013).

The IJ did not abuse his discretion or violate due process in denying Chung's request for a continuance for lack of good cause where Chung's case was publicized in Korean news media prior to the proceedings before the IJ, and the IJ accepted Chung's evidence into the record. *See* 8 C.F.R. § 1003.29 (IJ may grant a continuance for good cause shown); *Singh v. Holder*, 638 F.3d 1264, 1274 (9th Cir. 2011) (IJ not required to grant a continuance); *Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (error required to prevail on a due process claim).

Chung's contention that the IJ abused his discretion and violated due process by not remanding his case to the asylum officer to allow him to introduce new evidence fails because he has not shown error. *See Lata*, 204 F.3d at 1246; *see also Bartolome v. Sessions*, 904 F.3d 803, 813 (9th Cir. 2018) (in reasonable fear review hearings, an IJ conducts a de novo review and "may allow an alien to

submit evidence to support his or her claim, [but] is not required to do so”)
(internal citation omitted).

The temporary stay of removal remains in place until the mandate issues. The supplemented motion for a stay of removal is otherwise denied.

PETITION FOR REVIEW DENIED.