

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 19 2024

FOR THE NINTH CIRCUIT

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

JOSE RUBEN AGUIRRE GONZALEZ,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 22-1633

Agency No.
A205-536-223

MEMORANDUM*

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

Submitted September 12, 2024**
Pasadena, California

Before: SCHROEDER, R. NELSON, and MILLER, Circuit Judges.

Jose Ruben Aguirre Gonzalez, a native and citizen of Mexico, petitions for review of a Board of Immigration Appeals decision affirming an immigration judge's order of removal and denial of his motion for a continuance related to his

* 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).

application for adjustment of status. We dismiss the petition.

Aguirre Gonzalez requested a continuance so that he could reconcile with his wife, a U.S. citizen, and so that she might re-file an I-130 visa petition in support of his application for adjustment of status. The immigration judge determined that Aguirre Gonzalez did not demonstrate good cause under 8 C.F.R. § 1003.29 and denied the continuance.

Except for constitutional claims and legal questions, we may not review “any judgment regarding the granting of relief under [8 U.S.C.] § 1255 and the other enumerated provisions”—including provisions governing cancellation of removal and adjustment of status. *Patel v. Garland*, 596 U.S. 328, 338 (2022) (emphasis omitted); 8 U.S.C. § 1252(a)(2)(B)(i). That jurisdictional bar extends to procedural decisions, including an agency’s denial of a request for a continuance. *See Figueroa Ochoa v. Garland*, 91 F.4th 1289, 1294 (9th Cir. 2024). Here, the agency’s ruling on Aguirre Gonzalez’s motion for a continuance was based on its evaluation of Aguirre Gonzalez’s eligibility for adjustment of status. *See Matter of L-A-B-R-*, 27 I. & N. Dec. 405, 413 (A.G. 2018) (“[T]he good-cause assessment under 8 C.F.R. § 1003.29 . . . must focus principally on two factors: (1) the likelihood that the alien will receive the collateral relief, and (2) whether the relief will materially affect the outcome of the removal proceedings.”). Accordingly, it was a “judgment ‘regarding’ that ultimate decision” to adjust status. *Patel*, 596

U.S. at 344. We therefore lack jurisdiction over Aguirre Gonzalez's challenge to the continuance's denial. *See* 8 U.S.C. § 1252(a)(2)(B)(i).

PETITION DISMISSED.