

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 10 2008

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

XHULIETA LAKO,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 05-73917

Agency No. A75-511-992

MEMORANDUM*

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

Submitted September 8, 2008**

Before: TASHIMA, SILVERMAN, and N.R. SMITH, Circuit Judges.

Khulieta Lako, a native and citizen of Albania, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's ("IJ") decision to deny her motion to continue and her motion for administrative

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

closure. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for abuse of discretion the denial of a continuance, *Barapind v. Reno*, 225 F.3d 1100, 1113 (9th Cir. 2000), and review de novo legal questions, *Altamirano v. Gonzales*, 427 F.3d 586, 591 (9th Cir. 2005). We deny the petition for review.

The IJ did not abuse his discretion where Lako did not show that she was eligible for any relief and did not demonstrate good cause for a continuance. *See* 8 C.F.R. § 1003.29 (an immigration judge may grant a motion to continue for good cause shown); *see also Gonzalez v. INS*, 82 F.3d 903, 908 (9th Cir. 1996).

Lako's case did not qualify for administrative closure because the government opposed closure. *See Matter of Gutierrez-Lopez*, 21 I. & N. Dec. 479, 480 (BIA 1996) (en banc) ("A case may not be administratively closed if opposed by either of the parties.").

PETITION FOR REVIEW DENIED.