

SEP 10 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JUAN MANUEL GODINEZ CADENA,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 05-77228

Agency No. A75-616-104

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.

Juan Manuel Godinez Cadena, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") decision ordering him removed and denying his

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\* 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).

request to administratively close proceedings. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review questions of law de novo, *Rodriguez-Lariz v. INS*, 282 F.3d 1218, 1222 (9th Cir. 2002), and we deny the petition.

The BIA correctly affirmed the IJ's denial of petitioner's request for administrative closure where the government declined to consent to the closure of the case. *See In Re Godinez-Lopez*, 21 I&N Dec. 479, 480 (BIA 1996) ("A case may not be administratively closed if opposed by either of the parties").

Petitioner's requests for decision are denied as moot.

**PETITION FOR REVIEW DENIED.**