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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RAMON NEON CRUZ-GARCIA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 06-73960

Agency No. A098-344-921

MEMORANDUM*

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

Submitted March 18, 2009**

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

Ramon Neon Cruz-Garcia, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) removal order. We have jurisdiction pursuant to 8

* 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).

U.S.C. § 1252. We review for abuse of discretion the denial of a motion to continue, *Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1246 (9th Cir. 2008) (per curiam), and we deny the petition for review.

The IJ did not abuse his discretion in denying a continuance where Cruz-Garcia failed to establish that he was eligible for relief or good cause for a continuance. *See* 8 C.F.R. § 1003.29 (an IJ may grant a continuance for good cause shown); *see also Sandoval-Luna*, 526 F.3d at 1247 (IJ's denial of an additional continuance was within discretion where relief was not immediately available to petitioner). Cruz-Garcia has not established a due process violation. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error for a due process violation).

The agency did not err in concluding that Cruz-Garcia was ineligible for voluntary departure. *See* 8 U.S.C. § 1229c(b)(3).

PETITION FOR REVIEW DENIED.