

SEP 02 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SAHR MOHAMED SALEH GOMAA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
--

No. 08-74578

Agency No. A095-127-238

MEMORANDUM\*

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

Submitted August 10, 2010\*\*

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

Sahr Mohamed Saleh Gomaa, a native and citizen of Egypt, petitions for review of the Board of Immigration Appeals’ order dismissing her appeal from an immigration judge’s (“IJ”) decision denying her motion to reconsider. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of

---

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

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

a motion to reconsider and de novo claims of due process violations. *See Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002). We deny the petition for review.

The agency did not abuse its discretion in denying Gomaa's motion to reconsider because Gomaa failed to identify any errors of fact or law in the IJ's July 12, 2007, order. *See* 8 C.F.R. § 1003.23(b)(2).

The IJ did not violate Gomaa's due process rights where Gomaa does not dispute the IJ allowed her to discuss her options for relief with her attorney and offered her a short continuance to file an asylum application. *See Ibarra-Flores v. Gonzales*, 439 F.3d 614, 620-21 (9th Cir. 2006) (no due process violation exists unless "the proceeding was so fundamentally unfair that the alien was prevented from reasonably presenting his case") (internal quotation marks and citation omitted); *cf. Cano-Merida*, 311 F.3d at 964-65 (due process violation where IJ conducted off-the-record discussion with pro se petitioner and pre-judged the merits of petitioner's asylum claim).

**PETITION FOR REVIEW DENIED.**