

JUN 13 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FABIO ORLANDO CRUZ TORRES,
a.k.a. Orlando Flabio Cruz, a.k.a. Flabio
Nino,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-72805

Agency No. A200-709-702

MEMORANDUM*

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

Submitted June 10, 2013**

Before: HAWKINS, McKEOWN, and BERZON, Circuit Judges.

Fabio Orlando Cruz Torres, a native and citizen of Colombia, petitions for review of an order of the Board of Immigration Appeals (“BIA”) dismissing his appeal from the decision of an immigration judge (“IJ”) denying his motion to

* 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).

continue his removal proceedings. Our jurisdiction is governed by 8 U.S.C.

§ 1252. We review de novo whether the BIA applied the correct legal criteria.

Kawashima v. Holder, 615 F.3d 1043, 1057 n.8 (9th Cir. 2010). We deny in part and dismiss in part the petition for review.

The BIA applied the correct legal criteria in affirming the IJ’s denial of Cruz Torres’s motion to continue, where the BIA invoked the applicable “good cause” legal standard and cited pertinent legal authorities. *See Mendez-Castro v. Mukasey*, 552 F.3d 975, 980 (9th Cir. 2009) (concluding that “the IJ applied the correct legal standard” where “the IJ expressly cited and applied [relevant case law] in rendering its decision, which is all our review requires”).

We lack jurisdiction to review Cruz Torres’s contention that the agency abused its discretion by denying his motion to continue, because Cruz Torres does not challenge the BIA’s determination that his conviction under California Health and Safety Code § 11350(a) is a controlled-substance violation that renders him inadmissible under 8 U.S.C. § 1182(a)(2)(A)(i)(II). *See* 8 U.S.C. § 1252(a)(2)(C)-(D) (limiting the court’s jurisdiction to constitutional claims and questions of law in cases involving petitioners who are inadmissible under 8 U.S.C. § 1182(a)(2)).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.