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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE ERNESTO DE LA ROSA
LOZANO, AKA Jose De La Rosa-Lozan,
AKA Jose Delarosalozano, AKA Jose
Lozano,

Petitioner,

v.

JEFF B. SESSIONS, Attorney General,

Respondent.

No. 14-73754

Agency No. A095-758-034

MEMORANDUM*

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

Submitted February 14, 2017**

Before: GOODWIN, FARRIS, and FERNANDEZ, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

Jose Ernesto De La Rosa Lozano, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's order of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a continuance, and review de novo claims of due process violations. *Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1246 (9th Cir. 2008). We deny the petition for review.

The agency did not abuse its discretion or violate due process in declining to grant De La Rosa Lozano a second continuance to obtain counsel, where he did not show good cause. De La Rosa Lozano had more than nine months to find representation but did not attempt to do so until the week before his hearing, and he received a full and fair hearing. *See* 8 C.F.R. § 1003.29 (an IJ may grant a continuance for good cause shown); *Gutierrez v. Holder*, 662 F.3d 1083, 1091 (9th Cir. 2011) (“A court will grant a petition on due process grounds only if the proceeding was so fundamentally unfair that the alien was prevented from reasonably presenting his case.” (citations and quotation marks omitted)); *Biwot v. Gonzales*, 403 F.3d 1094, 1099-1100 (9th Cir. 2005) (listing factors to be considered when deciding what constitutes a reasonable time to obtain counsel); *Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error to prevail on a due process claim).

De La Rosa Lozano's renewed request for a stay of removal is denied as unnecessary because the court's April 22, 2015, order granted a temporary stay of removal.

PETITION FOR REVIEW DENIED.