

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 15 2017

FOR THE NINTH CIRCUIT

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

FRANCISCO ALEXANDER CALDERON
QUINTANILLA,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 15-71724

Agency No. A200-158-229

MEMORANDUM*

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

Submitted August 9, 2017**

Before: SCHROEDER, TASHIMA, and M. SMITH, Circuit Judges.

Francisco Alexander Calderon Quintanilla, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying a continuance,

* 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).

and denying his motion to remand. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a continuance. *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 in denying Calderon Quintanilla's motion for a continuance where he failed to show eligibility for any relief, and it was undisputed that he was ineligible for status adjustment. *See Id.* at 1247 (no abuse of discretion where no relief was immediately available to the petitioner); 8 C.F.R § 1003.29 (IJ has authority to grant continuance upon showing of good cause).

Calderon Quintanilla failed to raise, and has therefore waived, any challenge to the BIA's denial of his motion to remand. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259 (9th Cir. 1996) ("an issue referred to in the appellant's statement of the case but not discussed in the body of the opening brief is deemed waived.").

PETITION FOR REVIEW DENIED.