

NOT FOR PUBLICATION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

MOHAMMED SYEDUL ISLAM,

No. 15-73833

Petitioner,

Agency No. A202-150-604

v.

MEMORANDUM*

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

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.

Mohammed Syedul Islam, a native and citizen of Bangladesh, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's ("IJ") decision denying a continuance. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the agency's denial of a

* 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).

continuance and review de novo questions of law. *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 Islam’s fourth motion for a continuance for failure to show good cause where he had not shown that he was diligent in obtaining counsel, provided no documentary evidence that counsel was obtained, and failed to submit any applications for relief. *See* 8 C.F.R. § 1003.29 (an IJ “may grant a motion for continuance for good cause shown”); *cf.* *Garcia v. Lynch*, 798 F.3d 876, 881 (9th Cir. 2015) (“Although it would have been reasonable for the IJ to grant [petitioner] an additional continuance, it was not unreasonable for him not to do so.”).

The agency applied the correct legal standard and provided sufficient reasoning in denying the continuance, where it invoked the applicable “good cause” standard, cited pertinent legal authorities, and explained the reasons for its decision. *See Mendez-Castro v. Mukasey*, 552 F.3d 975, 980 (9th Cir. 2009) (the agency applies the correct legal standard where it expressly cites and applies relevant case law in rendering its decision); *Najmabadi v. Holder*, 597 F.3d 983, 990 (9th Cir. 2010).

PETITION FOR REVIEW DENIED.