

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 20 2017

FOR THE NINTH CIRCUIT

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

PEDRO SANTAMARIA-DELGADO,

No. 16-72826

Petitioner,

Agency No. A075-902-802

v.

MEMORANDUM*

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

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

Submitted December 18, 2017**

Before: WALLACE, SILVERMAN, and BYBEE, Circuit Judges.

Pedro Santamaria-Delgado, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's removal order denying his motion for a continuance. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the agency's

* 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).

denial of a continuance. *Ahmed v. Holder*, 569 F.3d 1009, 1012 (9th Cir. 2009).

We deny the petition for review.

The agency did not abuse its discretion in denying for lack of good cause Santamaria-Delgado's motion for a continuance to collaterally attack his theft conviction, where he had not begun to seek post-conviction relief on the date of his final merits hearing, and where he was represented by an attorney of his choice. *See Garcia v. Lynch*, 798 F.3d 876, 881 (9th Cir. 2015) (no abuse of discretion where alien had been in proceedings for six months and had "ample time" to seek post-conviction relief) (citation omitted)).

PETITION FOR REVIEW DENIED.