

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1897

LOLITO DELA CRUZ BANANO, a/k/a Lolito De La Cruz Banano,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

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

Submitted: March 16, 2016

Decided: March 18, 2016

Before WILKINSON, GREGORY, and AGEE, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Lourdes Santos Tancinco, TANCINCO LAW OFFICES, San Francisco, California, for Petitioner. Benjamin C. Mizer, Principal Deputy Assistant Attorney General, Stephen J. Flynn, Assistant Director, James A. Hurley, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lolito Dela Cruz Banano, a native and citizen of the Philippines, petitions for review of an order of the Board of Immigration Appeals dismissing his appeal from the Immigration Judge's decision denying his motion for a continuance.

An Immigration Judge "may grant a continuance for good cause shown." 8 C.F.R. § 1003.29 (2015). We review the denial of a motion for a continuance for abuse of discretion. Lendo v. Gonzales, 493 F.3d 439, 441 (4th Cir. 2007); Onyeme v. INS, 146 F.3d 227, 231 (4th Cir. 1998). We will uphold the denial of a continuance "unless it was made without a rational explanation, it inexplicably departed from established policies, or it rested on an impermissible basis, e.g., invidious discrimination against a particular race or group." Lendo, 493 F.3d at 441 (internal quotation marks omitted). Upon review of the record and Banano's claims, we find no abuse of discretion in the denial of his motion for a continuance. See In re Hashmi, 24 I. & N. Dec. 785, 790-92 (B.I.A. 2009).

Banano also contends that his due process rights were violated during the proceedings because the agency disregarded his evidence and would not allow him to adequately develop the record with respect to the bona fides of his marriage. We review due process claims de novo. See Lin v. Mukasey, 517 F.3d 685, 691-92 (4th Cir. 2008). We have reviewed the record in

light of Banano's specific contentions and conclude that Banano cannot succeed on his due process claim because he fails to demonstrate that any alleged defects prejudiced the outcome of his case. See Anim v. Mukasey, 535 F.3d 243, 256 (4th Cir. 2008).

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED