

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-2325

DIOGENES ENRIQUE RAMIREZ,

Petitioner,

v.

MERRICK B. GARLAND, Attorney General,

Respondent.

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

Submitted: November 23, 2021

Decided: November 29, 2021

Before NIEMEYER, FLOYD, and RUSHING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Victor E. Legorreta, LAW OFFICES OF MICHAEL E. ROSADO, P.C., Laurel, Maryland, for Petitioner. Brian Boynton, Acting Assistant Attorney General, Keith I. McManus, Assistant Director, Nelle M. Seymour, Trial Attorney, Office of Immigration Litigation, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Diogenes Enrique Ramirez, a native and citizen of El Salvador, petitions for review of an order of the Board of Immigration Appeals dismissing his appeal from the immigration judge's denial of Ramirez's (a) application for cancellation of removal under 8 U.S.C. § 1229b(b)(1); and (b) motion for a continuance. In denying cancellation of removal, the immigration judge found, in relevant part, that Ramirez failed to show that his removal would result in an exceptional and extremely unusual hardship to his two U.S.-citizen daughters. *See* 8 U.S.C. § 1229b(b)(1)(D). This determination is reviewable as a mixed question of law and fact. *Gonzalez Galvan v. Garland*, 6 F.4th 552, 559-60 (4th Cir. 2021). Upon review of the administrative record in conjunction with the arguments advanced by Ramirez, we conclude there is no error in the agency's dispositive hardship determination.

Ramirez also contests the immigration judge's denial of Ramirez's motion to continue his removal proceedings, which the Board affirmed. An immigration judge "may grant a continuance for good cause shown." 8 C.F.R. § 1003.29 (2021). 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, we discern no such abuse of discretion.

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

PETITION DENIED