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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>OSCAR EDGARDO VIGIL,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 08-74830

Agency No. A094-171-306

MEMORANDUM*

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

Submitted November 16, 2010**

Before: TASHIMA, BERZON, and CLIFTON, Circuit Judges.

Oscar Edgardo Vigil, a native and citizen of El Salvador, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s (“IJ”) order of removal. We have jurisdiction under 8 U.S.C. § 1252. We review de novo constitutional claims and questions of law,

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Khan v. Holder, 584 F.3d 773, 776 (9th Cir. 2009), and we deny the petition for review.

Vigil does not challenge the BIA's determination that his conviction for violating Cal. Penal Code § 422 is a crime of violence aggravated felony, 8 U.S.C. § 1101(a)(43)(F), which renders him removable, 8 U.S.C. § 1227(a)(2)(A)(iii), and ineligible for cancellation of removal, 8 U.S.C. § 1229b(a)(3).

Because the BIA's determination that Vigil was convicted of an aggravated felony conviction was dispositive of his cancellation of removal claim, we do not reach Vigil's contention that the IJ's alternate determination, that Vigil failed to meet the seven-year continuous physical presence requirement, was in error. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976).

To the extent Vigil contends that the IJ violated his due process right to a full and fair hearing by denying his request for a continuance, his contention fails because Vigil did not establish good cause for a continuance. *See* 8 C.F.R. § 1003.29; *Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error for a due process violation).

PETITION FOR REVIEW DENIED.