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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>BENJAMIN SOLEDAD-BELTRAN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 09-72926

Agency No. A094-397-505

MEMORANDUM*

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

Submitted May 15, 2012**

Before: CANBY, GRABER, and M. SMITH, Circuit Judges.

Benjamin Soledad-Beltran, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his motion for a continuance. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the

* 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).

denial of a continuance, *Ahmed v. Holder*, 569 F.3d 1009, 1012 (9th Cir. 2009), and we deny the petition for review.

The agency did not abuse its discretion in denying Soledad-Beltran's motion for a continuance to await the processing of a labor certification application he claimed his employer had filed on his behalf where no favorable evidence was excluded as a result of the denial, the application was filed only after he was placed in removal proceedings, and three continuances had previously been granted for this purpose. *See id.* at 1012-14; *see also Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1247 (9th Cir. 2008) (per curiam) (no abuse of discretion in denying continuance pending approval of labor certification application where petitioner's ultimate eligibility for relief was speculative). Contrary to Soledad-Beltran's contention, the IJ did not improperly deny his motion solely on the basis of case completion goals.

PETITION FOR REVIEW DENIED.