

NOV 28 2014

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

|  |
|--|
| <p>GILBERTO BAHENA ROMERO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
|--|

No. 13-71123

Agency No. A200-882-600

MEMORANDUM\*

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

Submitted November 18, 2014\*\*

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Gilberto Bahena Romero, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s (“IJ”) decision denying a continuance and granting voluntary departure. We have jurisdiction under 8 U.S.C. § 1252. We review for

---

\* 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).

abuse of discretion the denial of a motion for a continuance and review de novo due process claims. *Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1246 (9th Cir. 2008). We deny the petition for review.

The agency did not abuse its discretion by concluding that Romero failed to establish good cause for a continuance, where the passage of comprehensive immigration reform was a speculative possibility and Romero conceded that he was not eligible for any form of relief from removal other than voluntary departure. *See id.* at 1247 (the agency did not abuse its discretion by denying a motion for a continuance to await promulgation of regulations where “no relief was then immediately available” to petitioner).

The BIA did not violate Romero’s due process rights by affirming the IJ’s order, where Romero received a full and fair hearing. *See Vargas-Hernandez v. Gonzales*, 497 F.3d 919, 926-27 (9th Cir. 2007) (“Where an alien is given a full and fair opportunity to be represented by counsel, to prepare an application for . . . relief, and to present testimony and other evidence in support of the application, he or she has been provided with due process.”).

Contrary to Romero’s contention, the BIA applied the correct legal standard, 8 C.F.R. § 1003.29 (an IJ “may grant a motion for a continuance for good cause shown”), addressed all issues raised on appeal and provided a reasoned basis for its

decision, *see Najmabadi v. Holder*, 597 F.3d 983, 990 (9th Cir. 2010) (“What is required is merely that [the BIA] consider the issues raised, and announce its decision in terms sufficient to enable a reviewing court to perceive that it has heard and thought and not merely reacted.” (citation and internal quotation marks omitted)).

**PETITION FOR REVIEW DENIED.**