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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PEDRO VASQUEZ-GARCIA, AKA
Chero Garcia-Garcia, AKA David
Martinez-Cuevas,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-72711

Agency No. A200-808-953

MEMORANDUM*

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

Submitted July 21, 2015**

Before: CANBY, BEA, and MURGUIA, Circuit Judges.

Pedro Vasquez-Garcia, 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 decision denying a continuance and cancellation of removal.

* 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).

Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a continuance, and review de novo claims of due process violations. *Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1246 (9th Cir. 2008). We deny in part and dismiss in part the petition for review.

The agency did not abuse its discretion in denying Vasquez-Garcia's request for a continuance where he failed to demonstrate good cause. *See* 8 C.F.R. § 1003.29; *Sandoval-Luna*, 526 F.3d at 1247. It follows that Vasquez-Garcia's claim that the denial of a continuance violated due process fails. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (to prevail on a due process challenge, alien must show error and prejudice).

The BIA did not violate due process or err in declining to address Vasquez-Garcia's contentions regarding continuous physical presence because its determination that he failed to establish the requisite hardship was dispositive. *See* 8 U.S.C. § 1229b(b)(1); *Lata*, 204 F.3d at 1246; *see also Simeonov v. Ashcroft*, 371 F.3d 532, 538 (9th Cir. 2004) ("As a general rule, courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.") (citation omitted).

To the extent Vasquez-Garcia challenges the agency's discretionary determination that he failed to show exceptional and extremely unusual hardship to his two United States citizen children, we lack jurisdiction to review this determination. *See Romero-Torres v. Ashcroft*, 327 F.3d 887, 888 (9th Cir. 2003).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.