

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 11 2020

FOR THE NINTH CIRCUIT

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

NELSON CALIS, AKA Luciano Carlis,  
AKA Nelson Carlis,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 18-70926

Agency No. A092-810-626

MEMORANDUM\*

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

Submitted May 6, 2020\*\*

Before: BERZON, N.R. SMITH, and MILLER, Circuit Judges.

Nelson Calis, a native and citizen of Belize, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's ("IJ") decision denying his request for a continuance. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the agency's denial of a

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

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

The agency did not abuse its discretion in denying Calis's motion to continue, where he had been granted nine previous continuances, he repeatedly failed to cooperate or communicate with his counsel resulting in counsel's repeated withdrawal and delays in his case, the IJ advised him of his obligation to file an application for relief and supporting documentation or risk being ordered removed, and he failed to submit an application for relief despite having had years to do so. *See Ahmed*, 569 F.3d at 1012 (listing factors to consider when reviewing the agency's denial of a continuance); *cf. Cui v. Mukasey*, 538 F.3d 1289, 1294-95 (9th Cir. 2008) (abuse of discretion in denying continuance where IJ failed to warn Cui that failure to resubmit fingerprints in advance to merits hearing could result in pretermission of her claim, previous delays were not due to Cui's conduct, and Cui was otherwise diligent). Calis's contention that the agency did not show proper consideration of all factors is not supported.

**PETITION FOR REVIEW DENIED.**