NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SERGIO ARMANDO LICONA-ANAYA, Petitioner, v. MERRICK B. GARLAND, Attorney General, Respondent.	No. 23-6 Agency No. A215-952-260 MEMORANDUM[*]

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

Submitted November 16, 2023[**]
Pasadena, California

Before: RAWLINSON, HURWITZ, and OWENS, Circuit Judges.

Sergio Armando Licona-Anaya, a native and citizen of Mexico, petitions for review of a Board of Immigration Appeals' ("BIA") decision dismissing an appeal from an immigration judge's ("IJ") denial of his motion to continue. Where, as here, the BIA summarily affirms, we treat the IJ's decision as the final agency

[*] 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).

determination. *Lanza v. Ashcroft*, 389 F.3d 917, 925 (9th Cir. 2004). An IJ may grant a continuance for "good cause shown," 8 C.F.R § 1003.29, which we review for abuse of discretion. *Garcia v. Lynch*, 798 F.3d 876, 881 (9th Cir. 2015). The decision to grant or deny a continuance is in "the sound discretion of the judge and will not be overturned except on a showing of clear abuse." *Id.* (citation omitted). As the parties are familiar with the facts, we do not recount them here. Exercising jurisdiction under 8 U.S.C. § 1252, we deny the petition for review.

The IJ did not abuse its discretion in denying Licona-Anaya's motion to continue. We consider various factors when evaluating the denial of a motion to continue, such as the "(1) the nature of the evidence excluded as a result of the denial of the continuance, (2) the reasonableness of the immigrant's conduct, (3) the inconvenience to the court, and (4) the number of continuances previously granted." *Ahmed v. Holder*, 569 F.3d 1009, 1012 (9th Cir. 2009). Although there is no evidence that the immigration court would have been inconvenienced by a delay, all the other factors cut against Licona-Anaya's request for a nine-month continuance. In particular, denying the requested continuance did not result in the exclusion of any evidence in support of Licona-Anaya's application for relief. *See Cui v. Mukasey*, 538 F.3d 1289, 1292-93 (9th Cir. 2008) (noting an abuse of discretion where denying a continuance prevented the submission of evidence of "vital importance"). At the conclusion of the hearing, Licona-Anaya was granted

the only form of relief he sought—voluntary departure.

The IJ reasonably concluded that Licona-Anaya had not demonstrated good cause for a nine-month continuance to organize his affairs and sell certain property prior to his departure. The IJ explained that Licona-Anaya had just received a five-month-long continuance from his previous hearing and that he could grant his brother (a U.S. citizen) power of attorney to dispose of his property. Moreover, the IJ offered Licona-Anaya a nearly two-month-long continuance, which Licona-Anaya declined—an offer that further supports the soundness of the IJ's ruling.

In a single, conclusory sentence in his summary of argument, Licona-Anaya alleges that the IJ's ruling violated his due process rights. Because Licona-Anaya failed to argue this point anywhere else in his brief, he has abandoned it. *Crime Just. & Am., Inc. v. Honea*, 876 F.3d 966, 978 (9th Cir. 2017).

PETITION FOR REVIEW DENIED.