UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1224

MANUAL BAIRES,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

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

Submitted: October 19, 2015 Decided: October 22, 2015

Before MOTZ, GREGORY, and AGEE, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Marc Seguinot, SEGUINOT & ASSOCIATES, PC, Fairfax, Virginia, for Petitioner. Benjamin C. Mizer, Principal Deputy Assistant Attorney General, Terri J. Scadron, Assistant Director, Lisa M. Damiano, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Manuel Baires, a native and citizen of El Salvador, petitions for review of an order of the Board of Immigration Appeals dismissing his appeal from the immigration judge's decision, which denied Baires' motion for a continuance, found him ineligible for adjustment of status and a § 212(h)* waiver of inadmissibility, and ordered him removed to El Salvador.

On appeal, Baires challenges the denial of his motion for a continuance. An immigration judge "may grant a motion for continuance for good cause shown." 8 C.F.R. § 1003.29 (2015). We review the denial of a motion for a continuance for abuse of discretion. Lendo v. Gonzales, 493 F.3d 439, 441 (4th Cir. 2007); Onyeme v. INS, 146 F.3d 227, 231 (4th Cir. 1998). We "must uphold the [immigration judge]'s denial of a continuance 'unless it was made without a rational explanation, it inexplicably departed from established policies, or it rested on an impermissible basis, e.g., invidious discrimination against a particular race or group.'" Lendo, 493 F.3d at 441 (quoting Onyeme, 146 F.3d at 231). Upon review, we discern no abuse of discretion in the immigration judge's denial of a continuance.

* Section 212(h) of the Immigration and Nationality Act, codified at 8 U.S.C. § 1182(h) (2012).

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED