

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1873

FAROUKH BAMFORD,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A98-647-665)

Submitted: March 19, 2008

Decided: April 2, 2008

Before WILKINSON and MICHAEL, Circuit Judges, and WILKINS, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Adedayo O. Idowu, IDOWU & ASSOCIATES, Silver Spring, Maryland, for Petitioner. Jeffrey S. Bucholtz, Acting Assistant Attorney General, Daniel E. Goldman, Senior Litigation Counsel, Song E. Park, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Faroukh Bamford, a native and citizen of Ghana, petitions for review of an order of the Board of Immigration Appeals ("Board") dismissing his appeal from the immigration judge's order denying his motion for a continuance and finding him removable.

An immigration judge "may grant a continuance for good cause shown." 8 C.F.R. § 1003.29 (2007). 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). The court "must uphold the IJ'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).

Because the immigration judge was without jurisdiction to consider Bamford's application for adjustment of status, we find no abuse of discretion in denying the motion for a continuance. 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 the court and argument would not aid the decisional process.

PETITION DENIED