

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-1359

JUAN LUIS GARCIA RUIZ,

Petitioner,

v.

MERRICK B. GARLAND, Attorney General,

Respondent.

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

Submitted: September 30, 2022

Decided: November 21, 2022

Before KING and DIAZ, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Dismissed in part, denied in part by unpublished per curiam opinion.

ON BRIEF: Daniel Thomann, P.C., Chicago, Illinois, for Petitioner. Brian M. Boynton, Principal Deputy Assistant Attorney General, Linda S. Wernery, Assistant Director, Taryn L. Arbeiter, Office of Immigration Litigation, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Juan Luis Garcia Ruiz, a native and citizen of Mexico, petitions for review of an order of the Board of Immigration Appeals (Board) dismissing his appeal from the Immigration Judge's decision denying his request for a continuance and denying his application for cancellation of removal.

Because the Board affirmed the denial of cancellation of removal as a matter of discretion and Garcia Ruiz failed to raise any colorable legal or constitutional issues, we lack jurisdiction to review the denial of that relief. *See* 8 U.S.C. §§ 1252(a)(2)(B)(i), (D); *Sorcía v. Holder*, 643 F.3d 117, 124-25 (4th Cir. 2011) (finding no jurisdiction to review discretionary denial of cancellation of removal absent constitutional claim or question of law). Thus, we dismiss the petition for review in part as to cancellation of removal.

Next, we find no abuse of discretion or due process violation in the Board's decision to uphold the denial of a continuance. *See Lendo v. Gonzales*, 493 F.3d 439, 441 (4th Cir. 2007); *Rusu v. INS*, 296 F.3d 316, 321-22 (4th Cir. 2002). Finally, upon review, we conclude that Garcia Ruiz's remaining claims are without merit. Accordingly, we deny the petition for review in part. *In re Garcia Ruiz* (B.I.A. Mar. 5, 2021).

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.

*DISMISSED IN PART;
DENIED IN PART*