

June 21, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-60608  
Conference Calendar

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EDWIN RABANALES-RABANALES,

Petitioner,

versus

ALBERTO R. GONZALES, U.S. ATTORNEY GENERAL,

Respondent.

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A96 182 905  
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Before STEWART, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:\*

Edwin Rabanales-Rabanales, a citizen of Guatemala, petitions this court for review of an order by the Bureau of Immigration Appeals (BIA) affirming the Immigration Judge's (IJ) denial of his motion to reconsider. The basis of the motion to reconsider was the IJ's denial of Rabanales-Rabanales's motion for a continuance during the removal hearing in order to obtain substitute counsel.

Rabanales-Rabanales argues that the IJ should have granted his motion for a continuance because his retained counsel

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

believed that his motion for a change of venue would be ruled upon before the removal hearing and therefore did not prepare to attend the hearing. He asserts that the denial of his motion for a continuance violated his right to counsel. Rabanales-Rabanales has failed to show that his right to counsel was violated or that the BIA abused its discretion by affirming the IJ's denial of his motion to reconsider. See Rosales v. Bureau of Immigration and Customs Enforcement, 426 F.3d 733, 736-37 (5th Cir. 2005), cert. denied, 126 S. Ct. 1055 (2006); Zhao v. Gonzales, 404 F.3d 295, 303 (5th Cir. 2005).

Rabanales-Rabanales's petition for review is DENIED.